

City Clerk File No. Ord. 13.131

Agenda No. 3.A 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.131

TITLE:

A FRANCHISE ORDINANCE GRANTING PERMISSION TO KENNEDY LOFTS URBAN RENEWAL LLC, ITS SUCCESSORS AND ASSIGNS, TO ALLOW EXISTING PRIVATE IMPROVEMENTS IN THE NEWKIRK STREET AND JONES STREET RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 100 NEWKIRK STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 10703, LOT 18.

WHEREAS, Kennedy Lofts Urban Renewal LLC ("Petitioner"), having an address located at P.O. Box 18, Jersey City, New Jersey 07303, is the owner of the property located at 100 Newkirk Street, Jersey City, and known as Block 10703, Lot 18 on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, the Property is improved with a vacant 1960's era eight (8) story building previously used as an office building; and

WHEREAS, pursuant to a Jersey City Planning Board Resolution for Preliminary & Final Major Site Plan approval with deviations, Case # P12-080, the Property was granted approval for the renovation, rehabilitation, and adaptive re-use of the existing building to create fifty six (56) residential units at the Property, which is located within Zone 3: Commercial Center of the Journal Square 2060 Redevelopment Plan area ("Site Plan Approval"); and

WHEREAS, certain portions of the building encroach on to the Newkirk Street and Jones Street rights-of-way; and

WHEREAS, in order to comply with the comments of the Jersey City Division of Engineering in connection with the Site Plan Approval, the Petitioner has requested the approval of a franchise for the portions of the building that encroach onto the municipal rights-of-way, all of which is more particularly depicted and described in the Franchise Plan, Exhibit A, Site Plan, Exhibit B, and Metes and Bounds Description, Exhibit C, attached hereto; and

WHEREAS, the franchise for the building encroachments within the Newkirk Street and Jones Street rights-of-way shall be in effect for ninety-nine (99) years from the date upon which this Ordinance shall take effect; and

WHEREAS, there will be no negative impact or diminishment to the rights-of-way for pedestrian use as the encroaching improvements are existing and minimally invasive to the rights of way areas; and

WHEREAS, the Petitioner has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests of the City of Jersey City and essential for the rehabilitation and adaptive reuse of the building; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Petitioner to grant permission for use of the Newkirk Street and Jones Street rights-of-way for the following purposes:

1. The retention of the existing encroachments of the building within the rights-of-way, all of which is more particularly depicted and described in the Franchise Plan, Exhibit A, Site Plan, Exhibit B, and Metes and Bounds Descriptions, Exhibit C, attached hereto.
2. All costs associated with these encroachments will be incurred by the Petitioner, and there being no objections thereto.

WHEREAS, a franchise ordinance is required to permit the retention of the private improvements within the public rights-of-way; and

WHEREAS, by reason of the character of the development of the area within which this Property is situated and the Jersey City Division of Engineering comments to the Site Plan Approval, the retention of the said encroachments will advance the Property's ability to be rehabilitated and adaptively reused by the Petitioner and will greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said encroachments, which will be of great benefit to the citizens of Jersey City and Hudson County by permitting the rehabilitation and adaptive reuse of the building and the rights of the public will not be injuriously or adversely affected by the requested relief.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

SECTION I. Permission be and is hereby granted to Kennedy Lofts Urban Renewal LLC, its successors and assigns, for portions of lands located within the public rights of way adjacent to 100 Newkirk Street, Jersey City, and known as Block 10703, Lot 18 on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the Franchise Plan, Site Plan, and Metes and Bounds descriptions attached hereto as Exhibit A, Exhibit B, and Exhibit C respectively to be used for the following purposes.

1. The retention of the existing encroachments of the building within the Newkirk Street and Jones Street rights-of-way, all of which is more particularly depicted and described in the Franchise Plan, Exhibit A, Site Plan, Exhibit B, and Metes and Bounds Descriptions, Exhibit C, attached hereto.
2. There will remain sufficient area in the rights-of-way for typical pedestrian use.
3. All costs associated with these existing encroachments will be incurred by the Petitioner.
4. The franchise is required in order to comply with the Jersey City Division of Engineering comments to the Site Plan Approval, and to permit the subsequent rehabilitation and adaptive reuse of the building by the Petitioner, which will benefit the Petitioner, the surrounding neighborhood, and greater Jersey City.

SECTION II. There shall remain no damage to the sidewalks or roadways or interference with the free and safe flow of pedestrian traffic. Kennedy Lofts Urban Renewal LLC, and its successors and assigns, shall operate and maintain all encroachments for the entire term of this Franchise at no cost or inconvenience to the City.

SECTION III. The franchise granted in this Ordinance shall remain in full force and effect for a period of ninety-nine (99) years from the date that this Ordinance becomes effective. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said Kennedy Lofts Urban Renewal LLC.

SECTION V. In accepting the privileges of this Ordinance and the maintenance and use hereby authorized, Kennedy Lofts Urban Renewal LLC, its successors and assigns hereby agrees to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. Kennedy Lofts Urban Renewal LLC, its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of

Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiary hereunder, its successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION X.

1. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
2. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.
3. This Ordinance shall take effect at the time and in the manner as provided by law.
4. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

G:\WPDOCS\TOLONDA\Franchise Ordinance Correspondence\Kennedy Lofts - 100 Newkirk Street\Kennedy Lofts LLC - 100 Newkirk Street Franchise Ordinance.doc

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

ASSIST.

PETITION

TO: THE HONORABLE, THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:

Your Petitioner, Kennedy Lofts Urban Renewal LLC having an address located at P.O. Box 18, Jersey City, New Jersey 07303, respectfully says that:

1. Petitioner is the owner of the property located at 100 Newkirk Street, Jersey City, and known as Block 10703, Lot 18 on the current tax maps of the City of Jersey City (the "Property").
2. The Property is improved with a vacant 1960's era eight (8) story building, which was previously used as an office building.
3. Pursuant to a Jersey City Planning Board Resolution for Preliminary & Final Major Site Plan approval with deviations, Case # P12-080, the Property was granted approval for the renovation, rehabilitation, and adaptive re-use of the existing building to create fifty six (56) residential units at the Property, which is located within Zone 3: Commercial Center of the Journal Square 2060 Redevelopment Plan area ("Site Plan Approval").
4. Certain portions of the building encroach on to the Newkirk Street and Jones Street rights-of-way.
5. Petitioner proposes to obtain permission from the City for use of the Newkirk Street and Jones Street rights-of-way for the following purposes:
 - A. The retention of the existing encroachments of the building within the rights-of-way, all of which is more particularly depicted and described in the Franchise Plan, Exhibit A, Site Plan, Exhibit B, and Metes and Bounds Descriptions, Exhibit C, attached hereto.
 - B. All costs associated with these encroachments will be incurred by the Petitioner, and there being no objections thereto.
6. The franchise is required in order to comply with the Jersey City Division of Engineering comments to the Site Plan Approval, and to permit the subsequent rehabilitation and adaptive reuse of the building by the Petitioner, which will benefit the Petitioner, the surrounding neighborhood, and greater Jersey City.

WHEREFORE, your Petitioner respectfully prays for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to retain the encroachments within and under the public rights-of-way of Newkirk Street and Jones Street, all as more particularly shown on the plans annexed hereto and made a part hereof.

By:


o/b/o Kennedy Lofts Urban Renewal LLC
Nancy A. Skidmore, Attorney for the Petitioner

AN ORDINANCE GRANTING PERMISSION TO KENNEDY LOFTS URBAN RENEWAL LLC, ITS SUCCESSORS AND ASSIGNS, TO ALLOW EXISTING PRIVATE IMPROVEMENTS IN THE NEWKIRK STREET AND JONES STREET RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 100 NEWKIRK STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 10703, LOT 18.

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WHEREAS, certain portions of the building encroach on to the Newkirk Street and Jones Street rights-of-way; and

WHEREAS, in order to comply with the comments of the Jersey City Division of Engineering in connection with the Site Plan Approval, the Petitioner has requested the approval of a franchise for the portions of the building that encroach onto the municipal rights-of-way, all of which is more particularly depicted and described in the Franchise Plan, Exhibit A, Site Plan, Exhibit B, and Metes and Bounds Description, Exhibit C, attached hereto; and

WHEREAS, the franchise for the building encroachments within the Newkirk Street and Jones Street rights-of-way shall be in effect for ninety-nine (99) years from the date upon which this Ordinance shall take effect; and

WHEREAS, there will be no negative impact or diminishment to the rights-of-way for pedestrian use as the encroaching improvements are existing and minimally invasive to the rights of way areas; and

WHEREAS, the Petitioner has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests of the City of Jersey City and essential for the rehabilitation and adaptive reuse of the building; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Petitioner to grant permission for use of the Newkirk Street and Jones Street rights-of-way for the following purposes:

1. The retention of the existing encroachments of the building within the rights-of-way, all of which is more particularly depicted and described in the Franchise Plan, Exhibit A, Site Plan, Exhibit B, and Metes and Bounds Descriptions, Exhibit C, attached hereto.
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WHEREAS, by reason of the character of the development of the area within which this Property is situated and the Jersey City Division of Engineering comments to the Site Plan Approval, the retention of the said encroachments will advance the Property's ability to be rehabilitated and adaptively reused by the Petitioner and will greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said encroachments, which will be of great benefit to the citizens of Jersey City and Hudson County by permitting the rehabilitation and adaptive reuse of the building and the rights of the public will not be injuriously or adversely affected by the requested relief.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

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SECTION II. There shall remain no damage to the sidewalks or roadways or interference with the free and safe flow of pedestrian traffic. Kennedy Lofts Urban Renewal LLC, and its successors and assigns, shall operate and maintain all encroachments for the entire term of this Franchise at no cost or inconvenience to the City.

SECTION III. The franchise granted in this Ordinance shall remain in full force and effect for a period of ninety-nine (99) years from the date that this Ordinance becomes effective. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said Kennedy Lofts Urban Renewal LLC.

SECTION V. In accepting the privileges of this Ordinance and the maintenance and use hereby authorized, Kennedy Lofts Urban Renewal LLC, its successors and assigns hereby agrees to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. Kennedy Lofts Urban Renewal LLC, its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

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SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiary hereunder, its successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION X. A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.

C. This Ordinance shall take effect at the time and in the manner as provided by law.

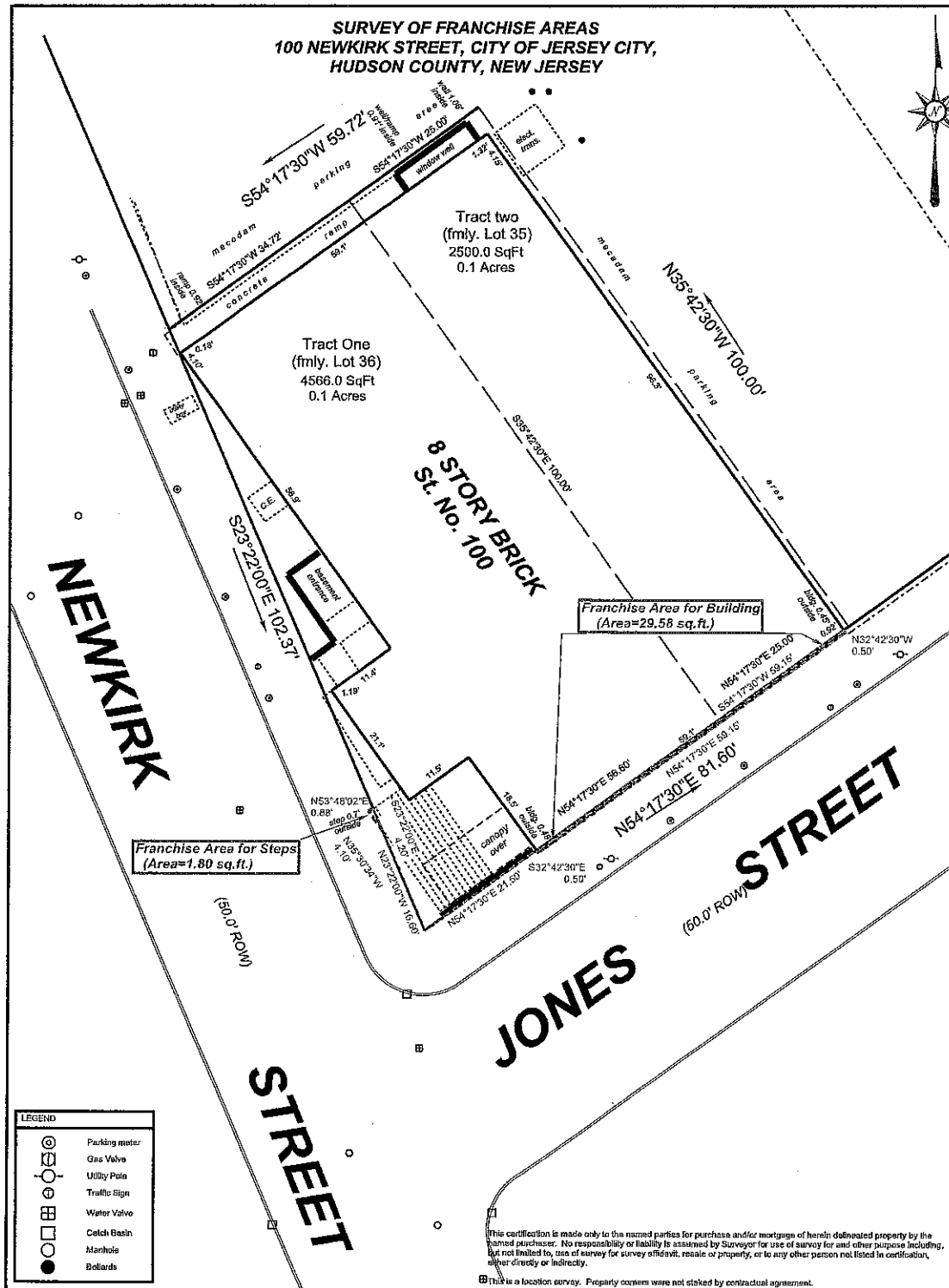
D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

Dated: _____, 2013

Introduced: _____

Adopted: _____

**SURVEY OF FRANCHISE AREAS
100 NEWKIRK STREET, CITY OF JERSEY CITY,
HUDSON COUNTY, NEW JERSEY**



LEGEND	
	Parking meter
	Gas Valve
	Utility Pole
	Traffic Sign
	Water Valve
	Catch Basin
	Manhole
	Bollards

This certification is made only to the named parties for purchase and/or mortgage of herein delineated property by the named purchaser. No responsibility or liability is assumed by Surveyor for use of survey for and other purpose including, but not limited to, use of survey for survey affidavit, resale or property, or to any other person not listed in certification, either directly or indirectly.

This is a location survey. Property owners were not staked by contractual agreement.

PROPERTY ADDRESS: 100 NEWKIRK STREET, CITY OF JERSEY CITY, HUDSON COUNTY, NJ

BLOCK 10703	LOT(S) 18	TAX MAPS	SURVEY NO. - 2012-225 F	SCALE - 1" = 20.0'
FILED MAP -			DESCRIPTION	DR/CK DATE
			Survey for Franchise Areas	laa/gja 12/12/2012

THIS SURVEY IS CERTIFIED TO:	GEORGE J. ANDERSON, L.L.C. (RECORDS OF SHEPARD & SHEPARD, INC.) PROFESSIONAL LAND SURVEYORS P.O. BOX 1348 - LITTLE FALLS, NJ 07424 TEL (973) 837-8159 FAX (973) 837-8160 EMAIL: GJALLC@GMAIL.COM
Kennedy Lofts, L.L.C.-a New Jersey Limited Liability Company; North Jersey Community Bank, its successors and/or assigns as their interest may appear; Madison Title Agency, L.L.C.; Stewart Title Guaranty Company; Feinstein, Raiss, Kelin & Booker, L.L.C.	 GEORGE J. ANDERSON LIC. NO. - 36706



George J. Anderson, L.L.C.

Professional Land Surveyor – NJPLS Lic. No. 36706

P.O. Box 1348 – Little Falls N.J. 07424

Ph (973) 837-8159 - Fx (973) 837-8160

Email : GJALLC@gmail.com

Description of Franchise Area of Building for 100 Newkirk Street, City of Jersey City,
Hudson County, New Jersey

BEGINNING at a point in the northwesterly side of Jones Street (50.0' ROW), a distance of 21.50' northeasterly from the intersection of the northwesterly side of Jones Street and the northeasterly side of Newkirk Street (50.0' ROW), and from thence running;

- 1.) S 32 degrees 42 minutes 30 seconds E, a distance of 0.50' to a point; thence
- 2.) N 54 degrees 17 minutes 30 seconds E, a distance of 59.15' to a point; thence
- 3.) N 32 degrees 42 minutes 30 seconds W, a distance of 0.50' to the northwesterly side of Jones Street; thence
- 4.) Along the same, S 54 degrees 17 minutes 30 seconds W, a distance of 59.15' to the point and place of BEGINNING.

The above described parcel contains 29.58 square feet.

The above description made in accordance with a location survey performed by George J. Anderson, L.L.C. dated June 21, 2012.

A handwritten signature in cursive script, reading "George J. Anderson".



George J. Anderson, L.L.C.

Professional Land Surveyor – NJPLS Lic. No. 36706

P.O. Box 1348 – Little Falls N.J. 07424

Ph (973) 837-8159 - Fx (973) 837-8160

Email : GJALLC@gmail.com

Description of Franchise Area of Steps for 100 Newkirk Street, City of Jersey City,
Hudson County, New Jersey

BEGINNING at a point in the northeasterly side of Newkirk Street (50.0' ROW), a distance of 16.60' northwesterly from the intersection of the northeasterly side of Newkirk Street and the northwesterly side of Jones Street (50.0' ROW), and from thence running;

- 1.) N 35 degrees 30 minutes 34 seconds W, a distance of 4.10' to a point; thence
- 2.) N 53 degrees 48 minutes 02 seconds E, a distance of 0.88' to the northeasterly side of Newkirk Street; thence
- 3.) Along the same, S 23 degrees 22 minutes 00 seconds E, a distance of 4.20' to the point and place of BEGINNING.

The above described parcel contains 1.80 square feet.

The above description made in accordance with a location survey performed by George J. Anderson, L.L.C. dated June 21, 2012.

A handwritten signature in cursive script that reads "George J. Anderson".

CONNELL FOLEY LLP

ATTORNEYS AT LAW

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FAX: (201) 521-0100

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FAX: (215) 665-5727

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(856) 317-7100
FAX: (856) 317-7117

THE ATRIUM, SUITE E
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(732) 449-1440
FAX: (732) 449-0934

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GAIL GOLDFARB*
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ELEONORE OFOSU-
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MICHAEL J. CREEGAN*
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JR.*
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JAMES E. FIGLIOZZI-
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INGRID E. DA COSTA
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STACIE L. POWERS*
NICOLE B. DORY*
MICHAEL BOJBASA-
CHRISTOPHER M. HEMRICK*
SUSAN KWIATKOWSKI*
MELISSA D. LOPEZ
ANDREW L. BARON*
JASON D. FALK*
MICHAEL J. SHORTT*
VICTORIA N. MANOUSHAGIAN*
PATRICK J. MURPHY, III

JOHN A. PINDAR (1969)
GEORGE W. CONNELL (2005)
ADRIAN M. FOLEY, JR.
GEORGE J. KENNY*
KENNETH F. KUNZMAN
SAMUEL D. LORD (2012)
RICHARD D. CATENACCI
RICHARD J. BADOLATO*
PETER D. MANAHAN
JOHN B. MURRAY
MARK L. FLEDER
KEYIN J. COAKLEY
THOMAS S. COSMA
KATHLEEN S. MURPHY
PATRICK J. MCAULEY
PETER J. PIZZI*+
KEVIN R. GARDNER
ROBERT E. RYAN
MICHAEL X. MCBRIDE*
JEFFREY W. MORYAN
EDWARD S. WARDELL
PETER J. SMITH*
WILLIAM P. KRAUSS
BRIAN G. STELLER
PHILIP F. MCGOVERN, JR.
KAREN PAINTER RANDALL
LIZA M. WALSH
JOHN P. LACEY*
MICHAEL J. CROWLEY-
TIMOTHY E. CORRISTON*
PATRICK J. HUGHES*+
JAMES C. MCCANN*
JOHN D. CROMIE

ANGELA A. IUSO*
WILLIAM T. MCGLOIN*
BRENDAN JUDGE
STEPHEN A. URBAN
CHARLES J. HARRINGTON III+
STEPHEN V. FALANGA*
TRICIA O'REILLY*
ANTHONY F. VITIELLO*+
MARC D. HAEFNER
JONATHAN P. MCHENRY
BRAD D. SHALIT*
M. TREVOR LYONS*
CRAIG S. DEMARESKI*
W. NEVINS MCCANN*
THOMAS J. O'LEARY*
MITCHELL W. TARASCHI
MICHAEL A. SHADIACK
OWEN C. MCCARTHY*
PATRICIA A. LEE*+
AGNIESZKA ANTONIAN*
CHRISTOPHER J. TUCCI+
NEIL V. MODY*
STEVE BARNETT*
THOMAS M. SCUDERI*
JOSEPH M. MURPHY*
NANCY A. SKIDMORE*
CHRISTINE S. ORLANDO
JENNIFER C. CRITCHLEY*
PATRICK S. BRANNIGAN*
CHRISTINE I. GANNON*
ANDREW C. SAYLES*
WILLIAM D. DEVEAU*

*ALSO ADMITTED IN NEW YORK

+ALSO ADMITTED IN PENNSYLVANIA

-ONLY ADMITTED IN NEW YORK

PLEASE REPLY TO JERSEY CITY, NJ

February 26, 2013

VIA HAND DELIVERY

Robert Byrne, City Clerk
City of Jersey City
280 Grove Street
Jersey City, NJ 07302

**Re: Petition for Franchise Ordinance
Kennedy Lofts Urban Renewal LLC
100 Newkirk Street
Jersey City, New Jersey**

Block 10703, Lot 18

Dear Mr. Byrne:

This firm represents Kennedy Lofts Urban Renewal LLC ("Petitioner"), the owner of the subject property. On behalf of Petitioner, we hereby petition the City of Jersey City for a franchise ordinance to permit the existing private improvements within the public rights of way adjacent to the above referenced lot designation.

We enclose for the City Council's consideration an original and 29 copies of each of the following:


1. Petition;
2. Proposed Ordinance;
3. Franchise Plan;
4. Site Plan; and
5. Metes and Bounds Descriptions.

February 26, 2013
Robert Byrne, City Clerk
Page 2

A check in the amount of \$2500, made payable to the "City of Jersey City" for the filing fees is also enclosed.

Please advise us as to when this Petition has been reviewed and is ready for presentation to the City Council. Thank you for your courtesies and assistance in this matter.

Very truly yours,


Nancy A. Skidmore, Esq.

Enclosures

cc: Kennedy Lofts Urban Renewal LLC (attn.: Matt Weinreich)

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.131
TITLE: 3.A NOV 26 2013 4.A

A franchise ordinance granting permission to Kennedy Lofts Urban Renewal, LLC its successors and assigns, to allow existing private improvements in the Newkirk Street and Jones Street rights-of-way adjacent to the property located at 100 Newkirk Street, Jersey City, New Jersey, also known on the tax map of the City of Jersey City as Block 10703, Lot 18.

RECORD OF COUNCIL VOTE ON INTRODUCTION NOV 26 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 26 2013
Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President
Date _____

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor
Date _____

Date to Mayor _____

City Clerk File No. Ord. 13.132

Agenda No. 3.B 1st Reading

Agenda No. 4.B 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.132
TITLE: AN ORDINANCE AMENDING CHAPTER 296 STREETS AND SIDEWALKS,
ARTICLE VI, STREET NAME CHANGES TO PROVIDE A STREET NAMING
PROTOCOL.

COUNCIL

offered and move adoption of the following ordinance:

WHEREAS, the City of Jersey City honors the achievements of local residents and promotes the heritage of the City through the naming, renaming or commemorative designation of streets, and

WHEREAS, the City of Jersey City wishes to establish uniform criteria for the naming, renaming or commemorative designation of streets; and

WHEREAS, the City of Jersey City has an interest in ensuring that the criteria for naming, renaming or commemorative designation of streets be a high standard so as to protect the integrity of the City;

THEREFORE, the City Council of the City of Jersey City **HEREBY ORDAINS THAT**,

Chapter 296 Streets and Sidewalks, Article VI Street Name Changes be amended to read

Chapter 296 Streets and Sidewalks, Article VI Street Names Changes

§ 296-19. Notification of property owners.

~~At least 10 days prior to the vote to adopt any ordinance changing the name of a street, the City Clerk shall mail a copy of the ordinance or a copy of the Title of the ordinance by certified or regular mail to all owners of record whose property is subject to such name change. Prior to the vote to adopt such ordinance, the City Clerk shall certify that he or she has sent notices to each affected property owner. The failure of a property owner to receive such notice shall not affect the validity of the ordinance.~~

A. DEFINITIONS

“Designation” means providing an additional, commemorative name designation, subordinate to the original name designation, of a public thoroughfare over which the City has jurisdiction.

“Municipal Council Street-Name Subcommittee” means the ad hoc subcommittee charged with reviewing applications for commemorative street names and identifying a list of pre-approved names for new streets to be constructed in Jersey City.

“Naming” means providing an original name designation to a public thoroughfare over which the City has jurisdiction.

“Renaming” means changing an original name designation of a public thoroughfare over which the City has jurisdiction to a different name.

"Streets" means any public thoroughfare over which the City has jurisdiction including, but not limited to, those public thoroughfares known as streets, avenues, lanes, and boulevards.

B. PROCEDURE FOR COMMEMORATIVE DESIGNATION OF STREETS

1. Any person or organization seeking a commemorative street name designation shall file a Street Dedication Request Form with the City Clerk. The completed form shall include the requested name to be commemorated, the reason for the commemoration, the existing street number or name, the length of the requested commemorative designation, i.e. Montgomery Street from West Side Avenue to Bergen Avenue, and the exact number of commemorative street signs to be added.

In the case of a commemorative street designation honoring an individual or an organization, all supporting documentation used to support an application to honor that individual or organization must be authenticated and must be attached to the application.

In the case of a commemorative street designation honoring an individual, the applicant seeking the commemorative designation must conduct an independent background check on the individual, if possible, before submitting a request to dedicate the street. The cost of the background check must be borne by the applicant.

2. The Street Dedication Request Form shall be accompanied by a petition signed by at least seventy-five percent of the recorded property owners on the street proposed for the commemorative designation, and should include written letters of support or recommendation from applicable community groups.
3. The City Clerk shall refer the completed Street Dedication Request Form, with completed petitions and all additional supplemental materials to the Street-Name Subcommittee which will consist of three Municipal Council representatives or their designees, one of whom will be the ward Councilperson in whose ward the street to be designated is located, the Director of City Planning or his or her designee, the Director of Cultural Affairs or his or her designee, the Director of Public Safety or his or her designee and the Mayor or his or her designee. The Subcommittee will meet as necessary to review commemorative street name applications. If the request is approved by the Subcommittee, the application will be brought before the Municipal Council for final approval.
4. If approved, signs identifying the commemorative name designation shall be placed underneath the primary street name sign.

C. STANDARDS FOR COMMEMORATIVE DESIGNATION

1. The authority to designate any street in Jersey City shall remain solely with the Municipal Council.
2. A proposed commemorative name shall meet all applicable standards and requirements established by Sections C(b) of this ordinance, provided however, that if for any reason the requesting party cannot meet these standards, a letter requesting a waiver of these standards, showing a good cause justification therefore, shall be provided by the requestors.
 - a. A proposed commemorative street designation shall:
 - (1) Honor a person, organization, corporation, foundation, or similar entity that has made a significant contribution to the City of Jersey City; or
 - (2) Reflect the geographic location, community, and the unique characteristics of the area or neighborhood; or

- (3) Recognize the historical significance of the area or neighborhood.

b. Requirements

The following standards shall apply to the review and approval of any proposed commemorative name:

- (1) Prospective individual honorees should have a minimum of 15 years of community involvement and should have demonstrated an extraordinary and consistent commitment and dedication to Jersey City. Prospective organizational honorees must have a minimum of 30 years of community involvement in Jersey City.
- (2) Prospective organizational honorees must be not-for-profit organizations.
- (3) If a proposed commemorative street designation will recognize a prospective individual honoree, with rare exception, the individual must have been deceased for at least three (3) years.
- (4) The Subcommittee will not consider an application to designate a street for an individual or organization already honored in a similar fashion, i.e. a person or organization having a park, monument or public building already named after him or her in Jersey City.
- (5) A person, organization, foundation, or similar entity that has made significant contributions to the State of New Jersey or to the United States may be considered, but there should be, if possible, some relevant connection to Jersey City.
- (6) The Subcommittee may deny approval of an application at its sole discretion. If an application is denied by the Subcommittee, the original applicant may not reapply on behalf of the prospective honoree for 5 years from the date of the denial.
- (7) Commemorative names should be unique, and unlikely to cause confusion or misunderstanding due to duplication of, or similarity with, an existing name, location, or other street name within Jersey City. Near duplications in spelling or street names that are phonetically similar to existing street names shall not be approved.
- (8) Street names shall not contain more than three (3) words or exceed seventeen (17) characters in length, including spaces between words and excluding the street type, i.e. "avenue" or "street".
- (9) No street can have more than two commemorative street designations.
- (10) If a portion of a street is proposed to be commemoratively designated, the designated portion shall begin and end at the intersections of major cross streets.
- (11) The cost of producing and installing appropriate signs designating the commemorative name shall be paid by the original requestors.

D. STANDARDS FOR RE-NAMING STREETS

The re-naming of streets is discouraged and will only be allowed in exceptional circumstances and be considered within the context of the historical and or community significance of the existing name.

E. STANDARDS FOR NAMING NEW STREETS

1. The authority for the naming new streets constructed in Jersey City shall remain solely with the Municipal Council.
2. The Street-Name Subcommittee will identify fifty (50) potential names for the pre-approved street names list. A list of suitable names will be presented to the Departments of Planning and Public Safety for review within 120 days of the adoption of this Ordinance.
3. A final list of pre-approved street names will be presented to the Municipal Council within 30 days of being reviewed by the Departments of Planning and Public Safety.
4. The pre-approved list of suitable street names will be available in the Division of City Planning. The pre-approved list will contain names that honor people who have made significant contributions to the City of Jersey City, or names which reflect the history, geographic location or unique characteristics of Jersey City. Developers building new streets are to pick from the names on this pre-approved list.
5. Individuals seeking to designate a street may, at their discretion, ask instead that the Subcommittee add the commemorative name to the list of pre-approved street names.
6. If a developer constructing a new street does not wish to pick from the list of pre-approved street names, the developer may ask the Subcommittee for a waiver to submit his or her own suggested street name(s), but the authority to name City streets shall remain with the Municipal Council and the developer's suggested name(s) must conform with the requirements of Section C of this ordinance. The Subcommittee and the Municipal Council reserve the right to reject any proposed new street name.

F. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

G. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

H. This ordinance shall take effect at the time and in the manner as provided by law.

I. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.132
TITLE: 3.B NOV 26 2013 4.B

An ordinance amending Chapter 296 (Streets and Sidewalks)
Article VI, Street Name Changes to provide a street naming
protocol.

RECORD OF COUNCIL VOTE ON INTRODUCTION NOV 26 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on

NOV 26 2013

Adopted on second and final reading after hearing on

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date

Date to Mayor

City Clerk File No. Ord . 13.133

Agenda No. 3.C 1st Reading

Agenda No. 4.C 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.133

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-7 (PROHIBITED TURNS AT INTERSECTIONS) OF THE JERSEY CITY TRAFFIC CODE PROHIBITING THE LEFT TURN FOR VEHICLES EASTBOUND ON HOBOKEN AVENUE TO NORTHBOUND ON BALDWIN AVENUE, DAILY

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) Section 332-7 (Prohibited turns at intersections) of the Jersey City Traffic Code is hereby supplemented as follows:

Section: 332-7 Prohibited turns at intersections.

No person shall make a turn of the kind designated (left or right) at any location of the locations listed below.

Name of Street	Direction of Travel	Prohibited Turn	Hours Days of Week	At Intersection of:
<u>Hoboken Av</u>	<u>East</u>	<u>Left</u>	<u>Daily</u>	<u>Baldwin Avenue</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.


4. Pursuant to New Jersey State Statute 39:4-8, this ordinance shall take effect upon the approval of the Department of Transportation.

5. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material to be inserted is new and underscored.

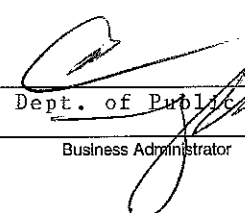
JDS:PCL
(10.30.13)

APPROVED: 
Director of Traffic & Transportation

APPROVED: 
Director,
Architecture, Engineering, Traffic and Transportation

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 
Director, Dept. of Public Works
APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

FACT SHEET

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance/ resolution/cooperation agreement:

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article II (Traffic Regulations) amending Section 332-7(Prohibited Turns at Intersections) of the Jersey City Code prohibiting the left turn for vehicles eastbound on Hoboken Avenue to northbound on Baldwin Avenue, Daily

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic & Transportation, Division of Architecture, Engineering, Traffic and Transportation, Department of Public Works, 201.547.4470

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Prohibit the left turn for vehicles east on Hoboken Avenue to north on Baldwin Avenue, daily.

4. Reasons (need) for the proposed program, project, etc.:

Improve traffic and pedestrian safety at the intersection of Hoboken Avenue and Baldwin Avenue

5. Anticipated benefits to the community:

Improve traffic and pedestrian safety at the intersection of Hoboken Avenue and Baldwin Avenue.

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, State and Federal funds to be used, as well as match and in-kind contribution:

Approximately \$100.00 per u-post and sign installation.

Total cost: \$200.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council.

8. Anticipated completion date:

State Highway 139 is within 500 feet of the turning prohibition, therefore, pursuant to New Jersey State Statute 39:4-8 the Ordinance will require the approval of the Department of Transportation.

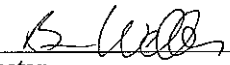
Twenty days after adoption by the Jersey City Municipal Council

9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigations, Division of Architecture, Engineering, Traffic and Transportation, Department of Public Works, 201.547.4492

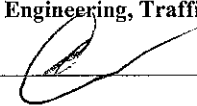
10. Additional comments:

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.



Director,
Architecture, Engineering, Traffic and Transportation

10-31-13
Date



Director,
Department of Public Works

11-1-13
Date

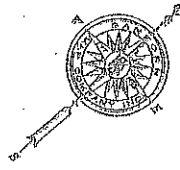
43

OAKLAND

AV

OAKLAND
RV.

POT R



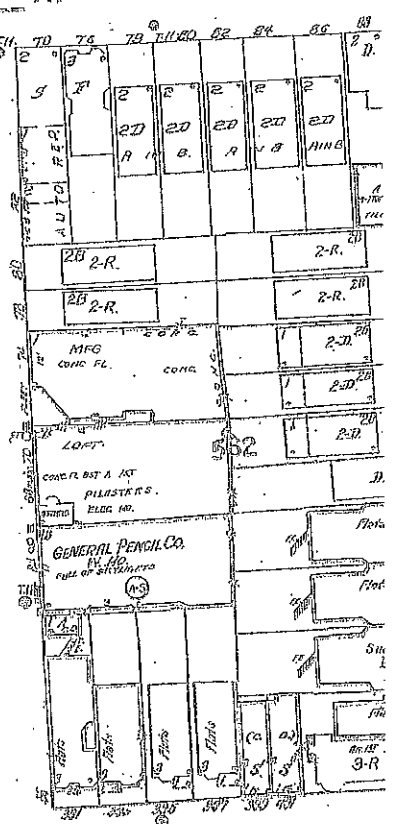
21

HOBOKEN AV.

STAIN VENTILATOR

761
561

GENERAL PENCIL CO. MFG.
GENERAL PENCIL CO. MFG. & FINISHING
LEAD PENCIL



BALDWIN AV.

HOBOKEN AV.

STATE HIGHWAY ROUTE NO. 25

USED AUTO SALES

AUTO BODY REPAIR

557

PAVING

AIR CONDITIONING SUPPLY

OFFICE

STORAGE

STORAGE

STORAGE

STORAGE

STORAGE

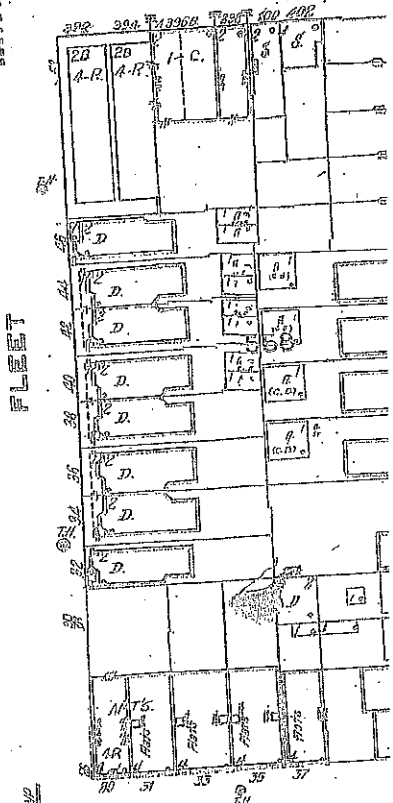
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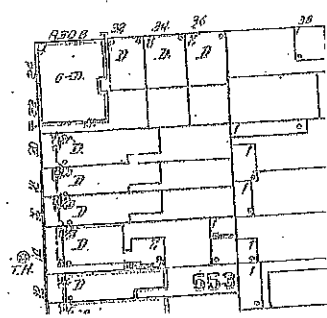
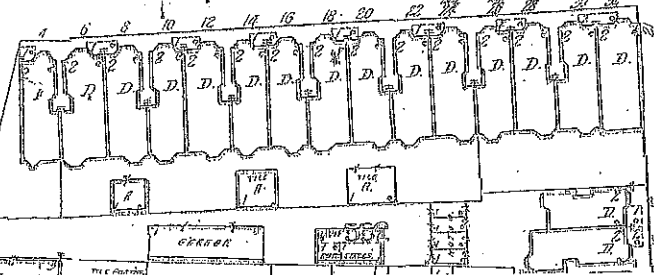
STORAGE



FLEET AV.

CONCORD

22





STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Robert Kakoleski, Acting Business Administrator

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE-NO LEFT TURN**
HOBOKEN AVENUE @ BALDWIN AVENUE

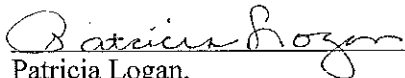
At the request of Councilman Boggiano and the constituents in the neighborhood, attached for your review and signature is an Ordinance proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

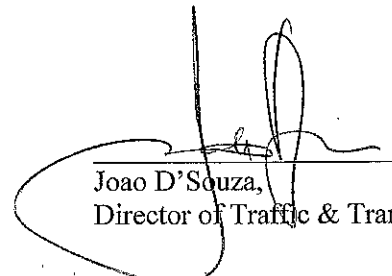
The proposed legislation prohibits the left turn for traffic east on Hoboken Avenue to north on Baldwin Avenue, daily.

It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.L.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Michael Razzoli, Director, DPW
Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Director Michael Razzoli

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE-NO LEFT TURN**
HOBOKEN AVENUE @ BALDWIN AVENUE

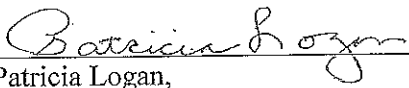
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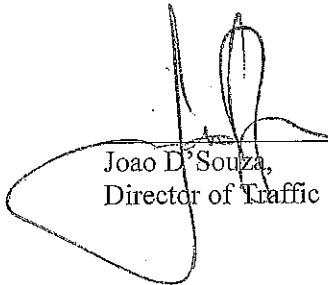
The proposed legislation prohibits the left turn for traffic east on Hoboken Avenue to north on Baldwin Avenue, daily.

Upon your review and signature, the legislation will be sent by Messenger to the Acting Business Administrator. It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.L.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Robert Karkoleski, Acting Business Administrator
Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Director Brian Weller, L.L.A., ASLA
Architecture, Engineering, Traffic and Transportation

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: PROPOSED ORDINANCE-NO LEFT TURN
HOBOKEN AVENUE @ BALDWIN AVENUE

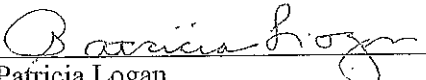
At the request of Councilman Boggiano and the constituents of the neighborhood, attached for your review and signature is an Ordinance proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

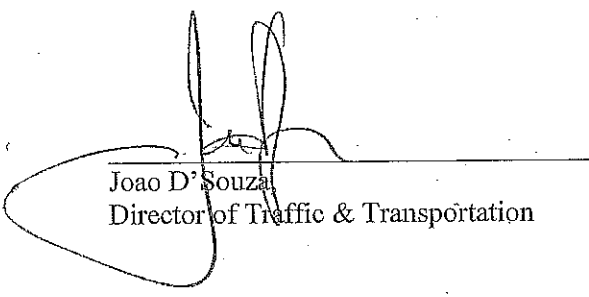
The proposed legislation prohibits the left turn for traffic east on Hoboken Avenue to north on Baldwin Avenue, daily.

Upon your review and signature please forward the legislation to Director Razzoli for his review and signature. It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Michael Razzoli, Director, DPW
Robert Kakolesski, Acting Business Administrator
Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Robert Byrne, City Clerk
Councilman Boggiano, Ward C

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE-NO LEFT TURN**
HOBOKEN AVENUE @ BALDWIN AVENUE

At the request of Councilman Boggiano and the constituents in the neighborhood, attached is an Ordinance proposed by this Division, (for Municipal Council approval) supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

The proposed legislation prohibits the left turn for traffic traveling east on Hoboken Avenue turning north on Baldwin Avenue, daily.

It is anticipated this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.

Patricia Logan,
Supervising Traffic Investigator

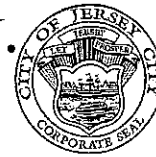
Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.A.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Michael Razzoli, Director, DPW
Muhammed Akil, Chief of Staff
Robert Kakoleski, Acting Business Administrator
Mary Spinello-Paretti, CEO, J.C.P.A.
Council President Lavarro, Jr.
Councilman Gajewski
Councilwoman Osborne

Councilwoman Watterman
Councilman Ranchal
Councilwoman Coleman

Councilman Rivera
Councilman Yun

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.133
TITLE: 3.C NOV 26 2013 4.C

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) Section 332-7 (Prohibited Turns at Intersections) of the Jersey City Traffic Code prohibiting the left turn for vehicles eastbound on Hoboken Avenue to northbound on Baldwin Avenue, Daily.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 26 2013 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 26 2013

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date _____

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 13.134

Agenda No. 3.0 1st Reading

Agenda No. 4.0 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.134

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) AMENDING SECTION 332-5 (ONE-WAY STREETS) OF THE JERSEY CITY CODE DESIGNATING THE ENTIRE LENGTH OF SAYLES STREET AS A ONE-WAY SOUTHBOUND

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) of the Jersey City Code is hereby supplemented as follows:

Section 332-5 ONE-WAY STREETS

The streets or parts of streets listed below are hereby designated as one way streets in the direction indicated.

Name of Street	Direction	Limits	Parking Permitted
1. <u>Sayles Street</u>	<u>South</u>	<u>Entire Length</u>	Pursuant to Chapter 332

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material to be inserted is new and underscored.

JDS:pc1
(10.30.13)

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____
Director of Traffic & Transportation

APPROVED: _____
Director,
Architecture, Engineering, Traffic and Transportation

APPROVED: _____
Director, Dept. of Public Works

APPROVED: _____
Business Administrator

FACT SHEET

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance/ resolution/cooperation agreement:

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article II (Traffic Regulations) amending Section 332-5(One-Way Streets) of the Jersey City Code designating the entire length of Sayles Street as a one-way southbound

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic & Transportation, Division of Architecture, Engineering, Traffic and Transportation, Department of Public Works, 201.547.4470

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Designated the entire length of Sayles Street (Winfield Avenue to Mina Drive) as a one-way southbound

4. Reasons (need) for the proposed program, project, etc.:

In order for Section 332-5 of the Jersey City Traffic Code to reflect the existing movement of traffic on Sayles Street.

5. Anticipated benefits to the community:

Legalize the existing movement of traffic on Sayles Street.

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, State and Federal funds to be used, as well as match and in-kind contribution:

Signs are already installed.

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:


Twenty days after adoption by the Jersey City Municipal Council

9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigations, Division of Architecture, Engineering, Traffic and Transportation, Department of Public Works, 201.547.4492

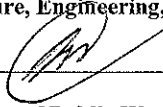
10. Additional comments:

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.



Director,
Architecture, Engineering, Traffic and Transportation

10-31-13
Date



Director,
Department of Public Works

11-1-13
Date



→ NORTH

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F.P.M. 1982
L.R.F.M. 1983
A.I.B. 1984
KINGDOM 1985
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NORTH SIDE

BARTHOLOI AV.

NEPTUNE AV.

WINFIELD AV.

ROMAR AV.

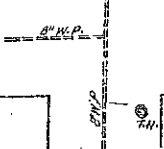
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30

1258

1256

1257





STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Robert Kakoleski, Acting Business Administrator

FROM: Patricia Logan, Supervising Traffic Investigation
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: PROPOSED ORDINANCE
SAYLES STREET – ONE WAY DESIGNATION

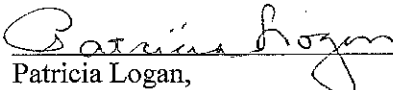
Attached for your review and signature is an Ordinance proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

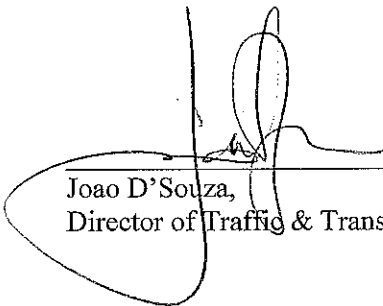
The proposed legislation designates the entire length of Sayles Street as a "one-way" southbound. The legislation is proposed in order that Section 332-5 of the Jersey City Traffic Code reflects the existing movement of traffic.

It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.A.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Michael Razzoli, Director, DPW
Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Director Michael Razzoli

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: PROPOSED ORDINANCE
SAYLES STREET – ONE WAY DESIGNATION

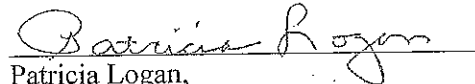
Attached for your review and signature is an Ordinance proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

The proposed legislation designates the entire length of Sayles Street as a "one-way" southbound. The legislation is proposed in order that Section 332-5 of the Jersey City Traffic Code reflects the existing movement of traffic.

Upon your review and signature I will forward, by Messenger, the legislation to the Acting Business Administrator. It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.A.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Robert Kakoleski, Acting Business Administrator
Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Director Brian Weller, L.L.A., ASLA
Architecture, Engineering, Traffic and Transportation

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: PROPOSED ORDINANCE
SAYLES STREET – ONE WAY DESIGNATION

Attached for your review and signature is an Ordinance proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

The proposed legislation designates the entire length of Sayles Street as a "one-way" southbound. The legislation is proposed in order that Section 332-5 of the Jersey City Traffic Code reflects the existing movement of traffic.

Upon your review and signature please forward the legislation to Director Razzoli for his review and signature. It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.

Patricia Logan,
Supervising Traffic Investigator

Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Michael Razzoli, Director, DPW
Robert Kakolesski, Acting Business Administrator
Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Robert Byrne, City Clerk
Councilman Frank Gajewski, Ward A

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE**
SAYLES STREET – ONE WAY DESIGNATION


Attached is an Ordinance proposed by this Division, (for Municipal Council approval) supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

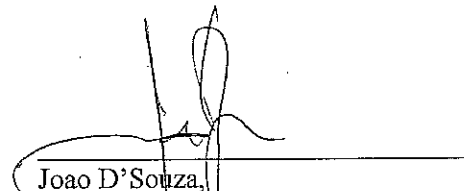
The proposed legislation designates the entire length of Sayles Street as a “one-way” southbound. The legislation is proposed in order that Section 332-5 of the Jersey City Traffic Code reflects the existing movement of traffic on Sayles Street.

It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.A.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Michael Razzoli, Director, DPW
Robert Kakoleski, Acting Business Administrator
Muhammed Akil, Chief of Staff
Mary Spinello-Paretti, CEO, J.C.P.A.
Council President Lavarro, Jr.
Councilman Ramchal
Councilwoman Osborne
Councilwoman Watterman
Councilman Boggiano
Councilwoman Coleman
Councilman Rivera
Councilman Yun

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.134
TITLE: 3.D NOV 26, 2013 4.D

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) amending Section 332-5 (One-Way Streets) of the Jersey City Code designating the entire length of Sayles Street as a one-way southbound.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 26 2013 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 26 2013
Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date _____

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 13.136

Agenda No. 3.F 1st Reading

Agenda No. 4.E 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.136

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-8 (PROHIBITED RIGHT TURNS ON RED SIGNAL) OF THE JERSEY CITY TRAFFIC CODE PROHIBITING THE RIGHT TURN ON RED SIGNAL FOR VEHICLES TRAVELING SOUTHBOUND AND NORTHBOUND ON WEST SIDE AVENUE TURNING WESTBOUND AND EASTBOUND ON TO BELMONT AVENUE, ALL TIMES

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) Section 332-8 (Prohibited right turns on red signal) of the Jersey City Traffic Code is hereby supplemented as follows:

Section: 332-8 Prohibited right turns on red signal.

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations listed below.

Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal Onto	Hours and Days
West Side Av	North	Broadway	8:00 am to 4 pm School Days
	Both	Duncan Av	All Times
	<u>South & North</u>	<u>Belmont Av</u>	<u>All Times</u>
	All	Stegman Pkwy	8:00 am to 4:00 pm School days

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

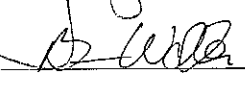
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

5. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material to be inserted is underscored.


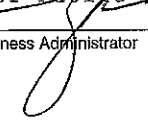
JDS:PCL
(10.30.13)

APPROVED: 
Director of Traffic & Transportation

APPROVED: 
Director,
Architecture, Engineering, Traffic and Transportation

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 
Director, Dept. of Public Works
APPROVED: 
Business Administrator

Certification Required ☐

Not Required ☐

FACT SHEET

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance/ resolution/cooperation agreement:

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article II (Traffic Regulations) amending Section 332-8(Prohibited Right Turns on Red Signal) of the Jersey City Code prohibiting the right turn for vehicles traveling southbound and northbound on West Side Avenue turning westbound and eastbound on to Belmont Avenue, All Times

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic & Transportation, Division of Architecture, Engineering, Traffic and Transportation, Department of Public Works, 201.547.4470 at the request of Demetrio A. Arencibia, P.E., P.P., Hudson County Engineer, County of Hudson, Department of Roads and Public Safety, Office of the County Engineer, Meadowview Campus, 595 County Avenue, Secaucus, NJ 201.369.4340

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Prohibit the right turn for vehicles traveling south and north on West Side Avenue turning west and east on to Belmont Avenue, all times.

4. Reasons (need) for the proposed program, project, etc.:

Being that this intersection goes through A County Park and it is heavily used by constituents daily it has been requested by the County Engineer that the right turn on the red signal be prohibited for vehicles traveling southbound and northbound on West Side Avenue turning west and east on to Belmont Avenue, all times.

5. Anticipated benefits to the community:

Improve traffic and pedestrian safety at the intersection of West Side Avenue and Belmont Avenue.

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, State and Federal funds to be used, as well as match and in-kind contribution:

Approximately \$100.00 per sign installation. U-Posts already installed
Total cost: \$200.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council.

8. Anticipated completion date:

Twenty days after adoption by the Jersey City Municipal Council

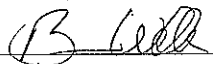
9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigations, Division of Architecture, Engineering, Traffic and Transportation, Department of Public Works, 201.547.4492

10. Additional comments:

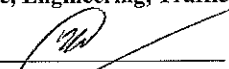
Twenty days after adoption by the Jersey City Municipal Council. Pursuant to New Jersey State Statute, 39:4-8 attached is a letter of agreement from the Office of the County Engineer.

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.



Director,
Architecture, Engineering, Traffic and Transportation

10-31-13
Date



Director,
Department of Public Works

11-1-13
Date



COUNTY OF HUDSON
DEPARTMENT OF ROADS AND PUBLIC PROPERTY
OFFICE OF THE COUNTY ENGINEER
MEADOWVIEW CAMPUS
595 COUNTY AVENUE, BLDG. #3, 2nd FLR.
SECAUCUS, NEW JERSEY 07094
TELEPHONE: (201) 369-4340
FAX: (201) 369-4346

THOMAS A. DeGLISE
COUNTY EXECUTIVE

HAROLD E. DEMELLIER, JR.
DIRECTOR

DEMETRIO A. ARENCIBIA, PE, PP
COUNTY ENGINEER

JOSEPH F. GLEMBOCKI, PE
ASSISTANT COUNTY ENGINEER

ROBERT A. YANNAZZO, AIA
CHIEF ARCHITECT

October 31, 2013

Lee D. Klein, P.E.
Assistant City Engineer
City of Jersey City
Engineering Department
575 Rte. 440
Jersey City, New Jersey 07305

RE: Intersection of West Side Avenue and Belmont Avenue "No Turn On Red" Sign

Dear Mr. Klein:

This office recently received a complaint about the existing "No Turn On Red", School Days, 8AM to 4PM sign located on West Side Avenue at the intersection of West Side Avenue and Belmont Avenue in Jersey City should be full time (at all times including weekends).

Being that this intersection goes through a County Park and it is heavily used by constituents on weekends and evening hours; this office recommends installing a "No Turn On Red" sign at all times. Please investigate this matter and advise this office of your findings.

Should you have any questions, please do not hesitate to contact this office at 201-369-4340.

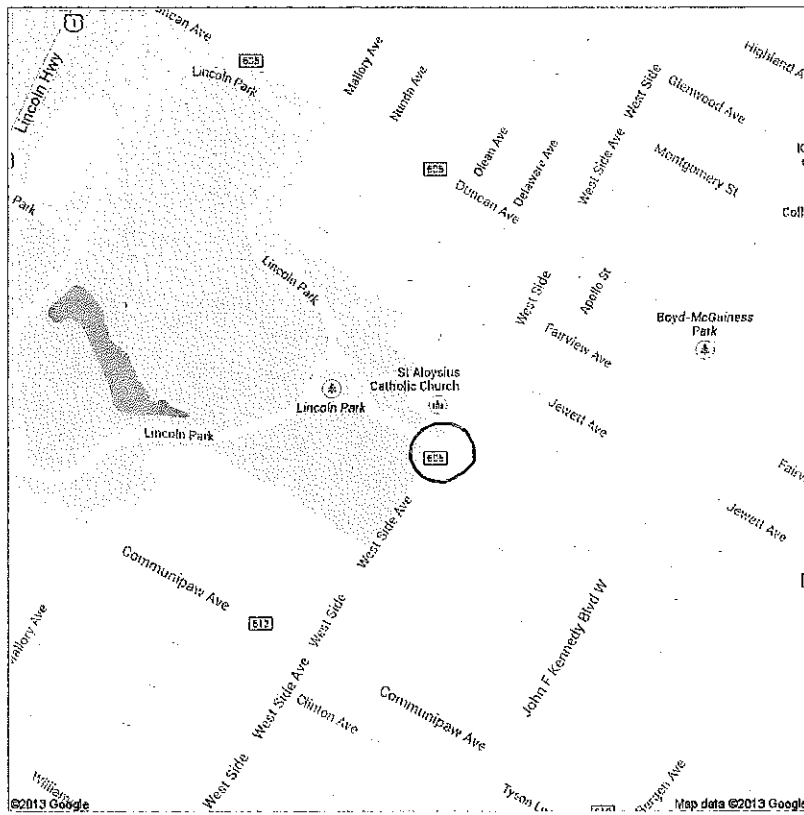
Sincerely,


Demetrio A. Arencibia P.E., P.P.
County Engineer

Cc: Harold E. Demellier, Jr., Director, Roads and Public Property
Joseph F. Glembocki, P.E., Assistant County Engineer
Jose M. Sieira, Director of Traffic & Transportation

Google

West Side Avenue & Belmont Avenue
Entrance to Lincoln Park





STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Robert Kakoleski, Acting Business Administrator

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE**
NO RIGHT TURN ON RED SIGNAL
WEST SIDE AVENUE @ BELMONT AVENUE, ALL TIMES

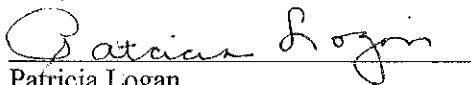
At the request of Demetrio A. Arencibia, P.E., P.P. Hudson County Engineer, attached for your review and signature is an Ordinance proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code. (Letter attached)

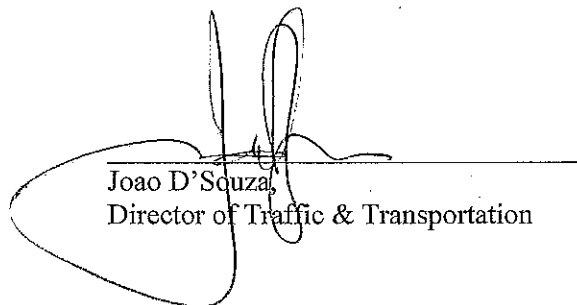
The proposed legislation prohibits the right turn on the red signal for vehicles traveling south and north on West Side Avenue turning west and east on to Belmont Avenue, all times.

It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.L.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Michael Razzoli, Director, DPW
Robert Byrne, City Clerk
Demetrio A. Arencibia P.E., P.P., Hudson County Engineer
Harold E. Demellier, Jr., Director, Roads and Public Property
Joseph F. Glembocki, P.E., Assistant County Engineer
Jose M. Sieira, Director of Traffic & Transportation, Hudson County



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MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Director Michael Razzoli, DPW

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE**
NO RIGHT TURN ON RED SIGNAL
WEST SIDE AVENUE @ BELMONT AVENUE, ALL TIMES

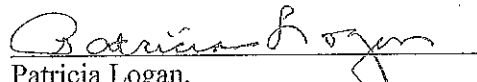
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The proposed legislation prohibits the right turn on the red signal for vehicles traveling south and north on West Side Avenue turning west and east on to Belmont Avenue, all times.

Upon your review and signature I will forward the legislation, by Messenger, to the Acting Business Administrator. It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.L.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Robert Kakoleski, Acting Business Administrator
Robert Byrne, City Clerk



STEVEN M. FULOP
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MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Director Brian Weller, L.L.A., ASLA
Architecture, Engineering, Traffic and Transportation

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE**
NO RIGHT TURN ON RED SIGNAL
WEST SIDE AVENUE @ BELMONT AVENUE, ALL TIMES

At the request of Demetrio A. Arencibia, P.E., P.P., Hudson County Engineer, attached for your review and signature is an Ordinance proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code. (letter attached)

The proposed legislation prohibits the right turn on the red signal for vehicles traveling south and north on West Side Avenue turning west and east on to Belmont Avenue, all times.

Upon your review and signature please forward the legislation to Director Razzoli for his review and signature. It is anticipated that this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.

Patricia Logan,
Supervising Traffic Investigator

Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Michael Razzoli, Director, DPW
Robert Kakolesski, Acting Business Administrator
Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

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MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 30, 2013

TO: Robert Byrne, City Clerk
Councilman Ramchal, Ward B

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE**
WEST SIDE AVENUE @ BELMONT AVENUE
NO RIGHT TURN ON RED SIGNAL, ALL TIMES

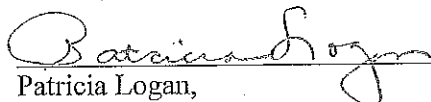
At the request of Demetrio A. Arencibia, P.E., P.P., Hudson County Engineer, attached is an Ordinance proposed by this Division, (for Municipal Council approval) supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

The proposed legislation prohibits the right turn on the red signal, all times, for vehicles traveling south and north on West Side Avenue turning west and east on to Belmont Avenue.

It is anticipated this Ordinance will be on the Agenda for the November 26, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.A.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Michael Razzoli, Director, DPW
Muhammed Akil, Chief of Staff
Robert Kakoleski, Acting Business Administrator
Mary Spinello-Paretti, CEO, J.C.P.A.
Council President Lavarro, Jr.
Councilman Gajewski
Councilwoman Osborne

Councilwoman Watterman
Councilman Boggiano
Councilwoman Coleman

Councilman Rivera
Councilman Yun

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.136
TITLE: 3.F NOV 26, 2013 4.E

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) Section 332-8 (Prohibited Right Turns on Red Signal) of the Jersey City Traffic Code prohibiting the right turn on red signal for vehicles traveling southbound and northbound on West Side Avenue turning westbound and eastbound on to Belmont Avenue, All Times.

RECORD OF COUNCIL VOTE ON INTRODUCTION NOV 26 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 26 2013
Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date _____

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 13.138

Agenda No. 3.H 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.138

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
TITLE: ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE
SECTION 345-66 LANDSCAPING, FOR THE REQUIRED TYPES OF STREET TREES

WHEREAS, the Jersey City Environmental Commission was reorganized in 2011 under City Ordinance 11-002, amending Chapter 31 of the Jersey City Municipal Code, which created the Environmental Commission; and

WHEREAS, the Jersey City Environmental Commission has the power to study and make recommendations regarding environmental concerns which affect the enjoyment and health of the public. (NJSA 40:56a-6); and

WHEREAS, on July 27, 2011 Jersey City Environmental Commission voted to organize a Shade Tree Committee, which was organized with the purpose of addressing the shortage and maintenance of street trees; and

WHEREAS, the Shade Tree Committee held a special meeting with the Jersey City Environmental Commissioners, arborists, tree experts, community members, and Council Aide to discuss the existing list of recommended street trees in the Jersey City Land Development Ordinance; and

WHEREAS, the Shade Tree Committee decided the existing trees on the list should be removed based on their invasive nature or their inappropriateness for urban street planting, and replaced with trees that were selected based on their suitability for urban street plantings; and

WHEREAS, the Planning Board of Jersey City, at its meeting of October 29, 2013, did discuss and vote to recommend adoption of this amendment herein by the Municipal Council;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is hereby directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, PP, FAICP, Director of Planning

APPROVED AS TO LEGAL FORM

APPROVED:

Corporation Counsel

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET

1. **Full Title of Ordinance:**
Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Land Development Ordinance section 345-66 Landscaping, for the required types of street trees.
2. **Name and Title of Person Initiating the Ordinance:**
Tanya R. Marione-Stanton, Senior Planner, Division of City Planning
3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance:**
The Shade Tree Committee of the Jersey City Environmental Commission has reviewed the existing required street trees within the Land Development Ordinance and determined that the recommended trees must be revised.
4. **Reasons (Need) for the Proposed Program, Project, etc.:**
The trees that were removed from the list were selected for removal based on their invasive nature, their status as host species for diseases or pests such as the Asian Longhorned Beetle or the Emerald Ash Borer, or their inappropriateness for urban street planting due to size, growth pattern, root pattern, or tendency for breakage. The trees that were added were selected based on their suitability for urban street plantings in terms of hardiness, aesthetic attractiveness, and individual species characteristics. The trees were classified according to their ideal locations, and when possible native species were added.
5. **Anticipated Benefits to the Community:**
Proper care and selection of shade trees reduces the impact of greenhouse gases, filters pollutants out of the air, reduces the urban heat island affect, reduces the amount of stormwater runoff into the sewer system, beautifies the streetscape, and increases property values.
6. **Cost of Proposed Project:**
NONE
7. **Date Proposed Program or Project will commence:** Immediately upon adoption
8. **Anticipated Completion Date:** Not Applicable (This is enabling legislation.)
9. **Person Responsible for Coordinating Proposed Program, Project, etc.:**
Robert D. Cotter, FAICP, PP, City Planning Director
10. **Additional Comments:**
NONE

I Certify that all the Facts Presented Herein are Accurate.


Division Director Signature

Nov 13, 2013
Date


Department Director Signature

11/14/13
Date

Amendment to Article V Section 345-66 of the Jersey City Land Development Ordinance

Prepared for the Planning Board meeting of October 29, 2013

Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted.

Material indicated by bold italic *like this* is new material that is intended to be enacted

345-66. Landscaping.

A.

Zoning Standards.

1. No Change
2. No Change
3. No Change
4. No Change

B.

Design Standards.

1. No Change
2. No Change
3. No Change
4. No Change
5. No Change
6. No change
7. No Change
8. No Change
9. No Change
10. No Change
- 11.

Parking lots for more than six vehicles and all loading areas shall provide a screen planting of dense *native and drought tolerant* evergreens~~material mulched 2-4 inches during the~~ *spring and summer*, not less than three feet high at planting along all street lines and along all property lines, and will maintain a four foot height along all property lines, except in those instances where a building intervenes and in sight triangles of driveways and sidewalk points. In lieu of screen plantings, a four foot high decorative brick wall or any combination of plantings and walls or decorative fences may be provided.

12.

Street trees shall be required for all development and shall be in accordance with the following schedule:

a-

Medium Trees (Thirty (30) to Forty (40) Feet).

<i>Carpinus betulus</i>	European Hornbeam
<i>Carpinus caroliniana</i>	Upright European Hornbeam
<i>Cladrastis kentuckea</i>	Yellowwood
<i>Koelreuteria paniculata</i>	Golden Rain Tree
<i>Ostrya virginiana</i>	Hop Hornbeam
<i>Prunus yedoensis</i>	Yoshino Cherry
<i>Prunus sargentii</i>	Sargent Cherry
<i>Quercus acutissima</i>	Sawtooth Cherry

b-

Large Trees (Over Forty-Five (45) Feet).

<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Green Mountain Sugar Maple
<i>Celtis laevigata</i>	Sugar Hackberry
<i>Celtis occidentalis</i>	Hackberry
<i>Corylus columa</i>	Turkish Filbert
<i>Eucornia ulmeoides</i>	Hardy Rubber Tree
<i>Fraxinus americana</i>	Green Ash
<i>Fraxinus pennsylvanica</i>	Patmore Ash
<i>Fraxinus pennsylvanica</i>	Summit Ash
<i>Ginkgo biloba</i>	Maidenhair Tree
Norway Maple	Acer platanoides
Red Spire Pear	Pyrus calyana
Sycamore	Platanus acerifolia
<i>Sophora japonica</i>	Japanese Scholar
<i>Tilia cordata</i>	Little Leaf Linden
<i>Tilia euclatoria</i>	Crimean Linden
<i>Tilia tomentosa</i>	Silver Linden
<i>Ulmus parvifolia</i>	Leadbark Elm
<i>Zelkova serrata</i>	Zelkova

c-

Narrow Streets.

<i>Acer rubrum columnare</i>	Armstrong Red Maple
<i>Carpinus betulus</i>	Pyramidal European Hornbeam

Ginkgo biloba	Maidenhair Tree
Ginkgo biloba	Princeton Sentry Ginkgo
Ginkgo biloba	Magyar Upright Ginkgo
Malus baccata	Columnar Siberian Crabapple
Prunus sargentii	Columnar Sargent Cherry
Quercus robur fastigiata	Pyramidal English Oak
Sorbus aucuparia	Upright Mountain Ash

12.

a. Small Trees

Latin Name	Common Name	Recommended on Narrow Streets	Recommended under Power Lines	Preferred Site	Maintenance Required	Notes
<i>Cercis canadensis</i>	Eastern Redbud		YES		Pruning	
<i>Prunus sargentii</i>	Sargent Cherry	YES	YES			
<i>Syringa reticulata</i>	Tree lilac	YES	YES		Pruning	

b. Medium Trees

Latin Name	Common Name	Recommended on Narrow Streets	Recommended under Power Lines	Preferred Site	Maintenance Required	Notes
<i>Amelanchier</i>	Serviceberry	YES	YES	Dry		
<i>Carpinus betulus</i>	European Hornbeam		YES			
<i>Carpinus caroliniana</i>	Upright European Hornbeam		YES		Prune when young	
<i>Cercis chinensis</i>	Chinese Redbud	YES	YES		Pruning	
<i>Cladrastis kenturkea</i>	Yellowwood		YES			
<i>Ginkgo biloba</i>	Maidenhair Tree	YES	YES			
<i>Gleditsia triacanthos</i>	Honey Locust					

<i>Gymnocladus dioica</i>	<i>Kentucky Coffeetree</i>					
<i>Malus</i>	<i>Crabapple</i>	YES	YES			
<i>Ostrya virginiana</i>	<i>Hop Hornbeam</i>	YES	YES			<i>Prefers shade</i>
<i>Prunus serrulata</i>	<i>Kwanzan Cherry</i>		YES		<i>Pruning</i>	
<i>Prunus yedoensis</i>	<i>Yoshino Cherry</i>	YES	YES			
<i>Quercus acutissima</i>	<i>Sawtooth Oak</i>	YES	YES			

c. Large Trees

<i>Latin Name</i>	<i>Common Name</i>	<i>Recommended on Narrow Streets</i>	<i>Recommended under Power Lines</i>	<i>Preferred Site</i>	<i>Maintenance Required</i>	<i>Notes</i>
<i>Celtis laevigata</i>	<i>Sugar Hackberry</i>					
<i>Celtis occidentalis</i>	<i>Hackberry</i>					
<i>Corylus colurna</i>	<i>Turkish Filbert</i>					
<i>Eucornia ulmoides</i>	<i>Hardy Rubber Tree</i>					
<i>Ginkgo biloba</i>	<i>Maidenhair Tree</i>					
<i>Ilex opaca</i>	<i>American Holly</i>		YES	<i>Wet/Dry</i>		
<i>Liquidambar styraciflua</i> 'Cherokee,' 'Worplesdon'	<i>Sweet Gum (Fruitless)</i>			<i>Wet/Dry</i>		
<i>Nyssa sylvatica</i>	<i>Black Gum</i>			<i>Wet</i>	<i>Wet sites</i>	
<i>Quercus bicolor</i>	<i>Swamp White Oak</i>			<i>Wet</i>		
<i>Quercus coccinea</i>	<i>Scarlet Oak</i>		YES	<i>Dry</i>		
<i>Quercus imbricaria</i>	<i>Shingle Oak</i>					

<i>Quercus phellos</i>	<i>Willow Oak</i>					
<i>Quercus prinus</i>	<i>Chestnut Oak</i>			<i>Dry</i>		
<i>Quercus robur</i>	<i>English Oak</i>					
<i>Quercus robur</i> <i>'Fastigiata'</i>	<i>Fastigiata Oak</i>					
<i>Quercus rubra</i>	<i>Northern Red Oak</i>			<i>Wet/Dry</i>		
<i>Quercus velutina</i>	<i>Black Oak</i>			<i>Wet/Dry</i>		
<i>Sophora japonica</i>	<i>Japanese Scholar</i>					
<i>Tilia Americana</i>	<i>American Linden</i>		YES			
<i>Tilia cordata</i>	<i>Little Leaf Linden</i>					
<i>Tilia euchtora</i>	<i>Crimean Linden</i>					
<i>Tilia tomentosa</i>	<i>Silver Linden</i>					
<i>Zelkova serrata</i>	<i>Zelkova</i>					

13. No Change

14. No Change

15. No Change

SUMMARY SHEET

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE SECTION 345-66 LANDSCAPING, FOR THE REQUIRED TYPES OF STREET TREES

The trees that were removed from the list were selected for removal based on their invasive nature, their status as host species for diseases or pests such as the Asian Longhorned Beetle or the Emerald Ash Borer, or their inappropriateness for urban street planting due to size, growth pattern, root pattern, or tendency for breakage. The trees that were added were selected based on their suitability for urban street plantings in terms of hardiness, aesthetic attractiveness, and individual species characteristics. The trees were classified according to their ideal locations, and when possible native species were added.

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.138
TITLE: 3.H NOV 26 2013 4.F

Ordinance of the Municipal Council of the City of Jersey
City adopting amendments to the Land Development
Ordinance Section 345-66 Landscaping, for the required
types of street trees.

RECORD OF COUNCIL VOTE ON INTRODUCTION NOV 26 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 26 2013
Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date _____

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date _____

Date to Mayor _____

ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.139

TITLE:

**ORDINANCE AUTHORIZING AN AMENDMENT TO A LEASE
AGREEMENT WITH RAND PARKING, INC. FOR PARKING SPACES
LOCATED AT TWO JOURNAL SQUARE PLAZA**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City ("City") Police Department moved its headquarters from 8 Erie Street to offices at One Journal Square Plaza in July, 2012; and

WHEREAS, Ordinance 13-025 adopted on February 27, 2013 authorized a lease agreement for twenty-eight (28) months effective as of September 1, 2012 and ending on December 31, 2014 for the use of twenty (20) unreserved parking spaces at a parking facility operated by Rand Parking Inc. ("Rand") behind the building known as Two Journal Square Plaza; and

WHEREAS, Rand operates the parking facility under a lease agreement with the owner of Two Journal Square Plaza; and

WHEREAS, because Rand's lease agreement with the property owner expires on July 31, 2014, it is necessary to amend the City's lease with Rand to change the lease expiration date from December 31, 2014 to July 31, 2014.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The City's lease agreement with Rand Parking, Inc. for twenty (20) unreserved parking spaces at a parking facility located at Two Journal Square Plaza is amended to indicate a lease term that will expire on July 31, 2014 instead of December 31, 2014.
2. The Mayor or Business Administrator is authorized to execute the attached lease agreement with Rand Parking, Inc.
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

C. This ordinance shall take effect in the manner as prescribed by law.

D. The City Clerk and the Corporation Counsel by and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE:

All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR/km
11/19/13

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

AGREEMENT BETWEEN RAND PARKING, INC., A NEW JERSEY CORPORATION HAVING AN OFFICE LOCATED AT 87 CENTRAL AVENUE, EAST BRUNSWICK, NEW JERSEY 08816 AND THE CITY OF JERSEY CITY, A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY HAVING AN OFFICE AT 280 GROVE STREET, JERSEY CITY, NEW JERSEY 07302 (CITY)

WHEREAS, Rand Parking, Inc. (Rand) operates a street level parking business on property that it leases from the property owner behind the building commonly known as Journal Square Plaza 2 on Kennedy Boulevard in the City of Jersey City, New Jersey (Premises); and

WHEREAS, Rand's lease with the property owner expires on July 31, 2014; and

WHEREAS, the City of Jersey City (City) is desirous of entering into an Agreement with Rand for a period of twenty-three (23) months effective as of September 1, 2012 and ending on July 31, 2014 for monthly parking as hereinafter provided; and

WHEREAS, Rand is willing to enter into this Agreement with the City.

NOW, THEREFORE, in consideration of the promises and conditions herein contained, the parties agree as follows:

1. Rand shall provide the City with twenty (20) unreserved parking spaces at its facility Located behind the building commonly known as Journal Square Plaza 2 on Kennedy Boulevard for a period of twenty-three (23) months effective as of September 1, 2012 and ending on July 31, 2014.
2. The City shall pay to Rand the sum of \$149.50 per parking space per month, without taxes thereon for a total monthly payment of \$2,990.00 for each and every month thereafter effective as of September 1, 2012 and ending on July 31, 2014.
3. Payment shall be due on or before the 1st day of each month during the term, in advance.
4. The City shall be responsible for obtaining the tax exemption as provided herein. In the event that the City is unable to obtain the same, the City shall pay all applicable taxes in addition to the amount set forth herein.
5. This Agreement shall be subject to the rules and regulations of Rand as posted on the Premises.

6. This Agreement is not assignable by the City.
7. During the term of this Agreement, Rand and the City shall each have the right to terminate this Agreement without cause by providing sixty (60) days' notice prior to the effective date of termination.
8. Rand shall continue to maintain its existing underlying and excess insurance coverage as set forth on the declaration page of Policy _____ issued by _____, a copy of which is annexed hereto.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on the dates set forth above.

RAND PARKING, INC.

ATTEST:

President

CITY OF JERSEY CITY

ATTEST:

ROBERT KAKOLESKI
ACTING BUSINESS ADMINISTRATOR

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.139
TITLE: 3.1 NOV 26 2013 4.G

Ordinance authorizing an amendment to a lease agreement with Rand Parking, Inc., for parking spaces located at Two Journal Square Plaza.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 26 2013 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 26 2013
Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date _____

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 13.141
Agenda No. 3.K 1st Reading
Agenda No. 4.H 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.141

TITLE:

**ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT)
ARTICLE XI (DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE)
SECTION 85.1 (OFF-DUTY ASSIGNMENTS) OF THE JERSEY CITY MUNICIPAL
CODE.**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the numerous construction projects, street repair projects, and utility upgrades throughout the City, provide abundant opportunities for Jersey City Police Officers to obtain off-duty work, and

WHEREAS, Jersey City currently has several Police Officers engaged in the assignment and coordination of this off-duty work throughout the City, and

WHEREAS, the manner in which this off-duty work is assigned and coordinated must be accomplished in a way that ensures the efficient use of resources and minimizes any negative impact on Jersey City residents and businesses; and

WHEREAS, there are currently several Police Officers working desk jobs coordinating police off-duty assignments; and

WHEREAS, the residents of Jersey City expect and demand that whenever possible, priority is given to assigning uniformed Police Officers to street patrols instead of desk jobs capable of being assigned to civilians employees; and

WHEREAS, the residents and businesses of Jersey City have raised substantial issues with the current manner in which this off-duty work is assigned and coordinated, and

WHEREAS, civilian employees are suitable to administer the assignment and coordination of police off-duty work throughout the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JERSEY CITY THAT:

A. The following amendments to Chapter 3 (Administration of Government), Article XI (Department of Government) Section 85.1 (Off-Duty Assignments) of the Jersey City Code are hereby adopted:

§ 3-85.1 Off-duty employment.

A. Definitions.

As used in this ordinance, the following terms shall have the following meanings unless the context clearly indicates otherwise:

- (1) "Alcohol Beverage Control premise" means one which is licensed by the Alcohol Beverage Control Board.
- (2) ~~"Chief of Police"~~ "Director of Public Safety" means the ~~Chief of Police~~ Director of Public Safety or his or her designee.

- (3) "City Owned Facility" means any property owned by the City of Jersey City rented by individuals or entities for the purpose of a privately held function,
- (4) "Large Commercial Establishment" means a commercial establishment such as a store, bank or financial institution of 4,000 square feet or more or one which is part of a franchise, chain or multi-store complex.
- (5) "Construction Sites":
 - (a) "City Projects" means any construction project performed by a vendor pursuant to a contract with the City of Jersey City for a public project in City-owned or leased buildings or on City-owned or leased properties.
 - (b) "Private Contractor Projects" means:
 - (i) Any construction project other than a City Project as defined above; and
 - (ii) Construction projects for an owner occupied class 2 residential property (1—4 units).
- (6) "Employer" or "prospective employer" means a prospective employer of off-duty officers.
- (7) "Event requiring major or unusual crowd control" means:
 - (a) An event where 5,000 people or more expected to attend, such as an athletic event; and
 - (b) Any event where alcohol will be served (~~except for the Bethune Center~~); and
 - (c) Any event which in the opinion of the ~~Police Department~~ Director Public Safety will produce an unusual amount of vehicular or pedestrian traffic.
- (8) "Film Production Sites" include, but are not limited to, movie sets, television productions, and photography.
- (9) "Holidays" are defined only as New Years Eve, New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Eve and Christmas Day, and only those dates officially observed.
- (10) "Person" means any individual, corporation, partnership or organization unless the context clearly indicates otherwise.
- (11) "Superior Officer" means Sergeant, Lieutenant, or Captain.
- (12) "Tax Exempt Organization" means a non-profit organization as defined by state or federal law.
- (13) "Crossing Guards" means City personnel who regulate and direct the movement of pedestrians through traffic.
- (14) "Off-Duty Personnel" shall mean Police Officers and Guards if applicable, Crossing Guards.
- (15) "Office of Off-Duty Employment" means the office responsible for coordinating off-duty assignments and billing of off-duty police work.
- (16) "Off-Duty Employment Intake Manager" means the civilian employee of the Public Safety Department who manages Off-Duty Personnel requests and coordinates the number of Off-Duty Personnel assigned to each work site. The Off-Duty Employment Intake Management reports to the Director of Public Safety

- (17) "Off-Duty Billing Coordinator" means the civilian employee of the Public Safety Department who administers the Off-Duty Trust Account. The Off-Duty Billing Coordinator reports to the Off-Duty Intake Manager and submits a report on the Off-Duty Trust Account to the Director of Public Safety and the Fiscal Officer every Ninety (90) Days.

B. Purpose.

For the convenience of those persons ~~which~~ who utilize the services of ~~off-duty law enforcement officers~~ Off-Duty Personnel of the Jersey City Police Department, and to authorize the outside employment of ~~Police~~ Police Officers and Crossing Guards while off-duty, the City of Jersey City hereby establishes a ~~policy~~ this policy, regarding the use of ~~off-duty officers in compliance with Attorney General Formal Opinion 1997 With regard to Police Officers only, this policy complies with Attorney General Formal Opinion 1977-No. 23. In limited situations involving pedestrian safety, Crossing Guards may be substituted for Police Officers at the discretion of the Off-Duty Employment Intake Manager.~~

- (1) Police Officers, Off-Duty Personnel, at their option, shall be permitted to accept ~~police-related~~ employment from private employers, who are separate and independent from the City of Jersey City, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty of the City; provided, however, that no ~~officer~~ Off-Duty Personnel may work within a premises licensed by the Alcohol Beverage Board, including, but not limited to, bars, taverns, nightclubs that serve alcoholic beverages, liquor stores, or restaurants with liquor licenses. Officers Off-Duty Personnel are not permitted on the "licensed premise" itself, which is the area licensed for alcohol consumption, retail sale or storage; provided further that no ~~officer~~ Off-Duty Personnel may accept off-duty employment under this ordinance by any governmental agency of the City of Jersey City other than the Jersey City Housing Authority.
- (2) Prospective employers of ~~off-duty police~~ Off Duty Personnel shall: 1) obtain the prior written approval of the ~~Chief of Police~~ Off-Duty Employment Intake Manager, which approval shall be granted if, in the opinion of the ~~Chief of Police~~ Off-Duty Employment Intake Manager, under the authority of the ~~Director of Public Safety~~, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the ~~officer or officers~~ Off Duty Personnel who are to perform the work.
- (3) Upon approval by the ~~Chief of Police~~ Off-Duty Employment Intake Manager, the amount estimated to pay for the off-duty employment shall be deposited in the trust account established under subsection C.
- (4) No ~~officer~~ Off-Duty Personnel shall be paid directly by any employer for requested services, nor provide services for more hours than specified in the request for services.
- (5) The Director of Public Safety is empowered to promulgate regulations and policies to effectuate this Ordinance.

C. Trust account established.

- (1) To assure the timely payment of wages to ~~police officers~~ Off Duty Personnel who perform off-duty ~~service work~~, and to meet the requirements of the Fair Labor Standards Act, the City of Jersey City has established a trust account known as the "Off-Duty Employment Trust Account." This trust account is dedicated for the receipt of fees collected for the payment for off-duty employment. The "Off-Duty Employment Trust Account" shall be administered by the ~~Off-Duty Billing Coordinator Fiscal Bureau of the Jersey City Police Department which~~ who shall make a written report to the ~~Chief of Police~~ Director of Public Safety and the Fiscal Officer every ninety (90) Days regarding said account. Payments to ~~police officers~~ Off Duty Personnel shall be on a bi-weekly basis with all appropriate deductions. All payments must be remitted directly to the City of Jersey City for said account. Deposits shall be in the form of certified check, bank check, money order or business check, at the discretion of the Fiscal Officer.

(2) Hour Estimate:

- (a) Hours Known: A prospective employer of ~~off-duty police officer~~ Off Duty Personnel shall estimate the number of hours and days required. The estimate shall be approved in writing by the ~~Chief of Police~~ Off-Duty Employment Intake Manager and an amount sufficient to cover the rates of compensation and administrative fees set forth in Subsection D for the total estimated hours of service shall be deposited into the Trust Account.
- (b) Hours Unknown or In Excess of Ten (10) Days: In any instance where the number of hours cannot be reasonably estimated or is anticipated to be in excess of ten (10) days, a prospective employer shall deposit an amount sufficient to cover the rate of compensation and administrative fees set forth in Subsection D for the equivalent of ten (10) days prior to the commencement of any services. Any unused portion of the deposit shall be returned or credited against the final amount owed.
- (3) Before posting any request for services of ~~off-duty police officers~~ Off Duty Personnel, the ~~Chief of Police~~ Off-Duty Employment Intake Manager shall verify that the balance in the trust account of the prospective employer is sufficient to cover the compensation and fees for the number of hours specified in the request. The ~~Chief of Police~~ Off-Duty Employment Intake Manager shall not post a request for services unless all fees and compensation required in the manner described above have been deposited in the trust account.
- (4) Depletion of Funds in a Trust Account for any Individual Person or Entity: In the event the funds in any individual or entity's trust account should become depleted, services of ~~off-duty law enforcement officers~~ Off Duty Personnel shall cease, and requests for further or future services shall not be posted until additional funds have been deposited in the trust account in the manner prescribed above. In the event of an unforeseen emergency situation that would require an ~~officer~~ Off Duty Personnel to remain beyond the time for which funds have been posted, the ~~Chief of Police~~ Off-Duty Employment Intake Manager may waive the requirement for posting additional funds after the first ten (10) hours for any employer exhibiting a previous satisfactory payment history. However, payment for the additional hours shall be made within forty-eight (48) hours.
- (5) A prospective employer shall be responsible for ensuring that sufficient funds remain in the trust account in order to avoid any interruption of services. In the event of a project which requires services over an extended period the ~~Off-Duty Billing Coordinator Fiscal Officer~~ Off-Duty Employment Intake Manager may require advance payment equal to twenty-five percent (25%) of the projected extended time period with additional twenty-five percent (25%) advances as a project continues.
- (6) Exemption. Public utility companies under the jurisdiction of, and regulated by, the New Jersey Board of Public Utilities and the Jersey City Housing Authority are exempt from the provisions set forth in this section requiring advance payment to the trust account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of fifteen (15) days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any ~~officer~~ Off Duty Personnel engaging in any further off-duty assignments.

D. Requests for services.

- (1) Requests for the services of ~~off-duty law enforcement officers~~ Off Duty Personnel for a period of one week or longer shall be forwarded to the ~~Chief of Police~~ Off-Duty Employment Intake Manager for posting at least ten (10) days before such services are required. The Off-Duty Employment Intake Manager will compile a list of available Police Officers and or Crossing Guards to perform the requested services.
- (2) Requests for the services of ~~off-duty law enforcement officers~~ Off Duty Personnel for a period of less than one week shall be forwarded to the ~~Chief of Police~~ Off-Duty Employment Intake Manager for posting as soon as practicable,

but in no event less than twenty-four (24) hours before such services are required, except in emergency situations.

- (3) In emergency situations, requests for services shall be made, as necessary, to the Chief of Police Off-Duty Employment Intake Manager who shall make every effort to accommodate such request in a reasonable manner in his or her discretion. If the emergency is imminent, the Director of Public Safety shall also have the ability to deploy Off Duty Personnel on an emergent basis. Any police officers, Off Duty Personnel, when so employed by private employers shall be compensated at the rates set forth in Section D, hereafter. All payments in emergency situations shall be made within forty-eight (48) hours. Completed claim forms are to be provided to the officer Police Officer at the time the services are rendered and the officer Police Officer shall deliver same to the appropriate precinct Off-Duty Employment Intake Manager.
- (4) In the event an Off-Duty assignment is not picked, posting must be forwarded to all districts in order to secure an officer for the assignment. If the post is not filled within twenty-four (24) hours prior to the scheduled event, the building supervisor may contact any officer directly to fill the off-duty assignment. Police Officer or Crossing Guard is unavailable to perform an assignment, the Off-Duty Employment Intake Manager will notify the next available Police Officer(s) or Crossing Guard(s) on the off-duty assignment list of the availability of the assignment until the assignment is filled. A Police Officer need not accept an off duty assignment that does not guarantee a minimum of four hours of off-duty employment. However, a Police Officer, at his or her discretion, may accept an off-duty assignment that provides less than four hours of off duty employment.
- (5) One off-duty Superior Officer must be assigned for every 12 Off Duty Police Officers deployed. An off-duty Superior Officer's command is not limited to any one specific project. The supervisor will be responsible for all Off-Duty Police Officers designated to his or her command irrespective of where those Off Duty Personnel are assigned. The cost of the off-duty supervisor shall come from the administrative fees paid by the employers.
- (6) In special circumstances the Off-Duty Employment Intake Manager, may, in consultation with the Director of Public Safety, assign a supervisor to oversee a specific off-duty assignment if the Off-Duty Employment Intake Manager believes it is necessary to ensure the health, safety and welfare of the public.

E. Rates of compensation; administrative fees; payment for services.

- (1) Rates of compensation for the services of off-duty law enforcement officers Off Duty Personnel are established as follows:

COMPENSATION FOR POLICE OFFICERS

CONSTRUCTION SITES	COMMERCIAL ESTABLISHMENTS	TAX EXEMPT ORG.
CITY PROJECTS \$35.00/hour SAT TIME & A HALF SUN-HOLIDAYS DOUBLE TIME AFTER 4 PM - Additional \$10.00/hour	Commercial Banks or Financial Institutions \$35.00/hour EFFECTIVE 1/1/12 \$40.00/hour Other Commercial Establishments: \$35.00/hour OVER 4,000 SQ FT. EFFECTIVE 1/1/12 \$40.00/hour	\$35.00/hour
PRIVATE CONTRACTORS As Defined in A5(b)(i) \$45.00 / hour SAT TIME & A HALF SUN-HOLIDAYS DOUBLE TIME AFTER 4 PM - Additional \$10.00/hour EFFECTIVE 1/1/12 \$50.00/hour	All Other Retail Establishments Not Covered Above Other Commercial Establishments UNDER 4,000 SQ Ft. \$25.00	
PRIVATE CONTRACTORS		

As Defined in A5(b)(ii) \$35.00/hour		
---	--	--

LARGE EVENTS UNDER 5,000 PEOPLE	LARGE EVENTS UNDER 5,000 PEOPLE	FILM PRODUCTION SITES
(Except City-Owned Facility Events) \$50.00/Hour <i>With alcohol present \$55.00/hour</i>	\$65.00	\$55.00/Hour

OUTSIDE AN ALCOHOLIC BEVERAGE CONTROL LICENSED PREMISE	SUPERIOR OFFICER REQUIRED	CITY OWNED FACILITY
\$55.00/Hour	Additional \$10.00/hour above rates of police officers for above assignments	\$35.00/hour

COMPENSATION FOR CROSSING GUARDS:

For pedestrian safety
\$10.00/hour

* Employers are not charged directly for Superior Officers assigned pursuant to this ordinance, or any regulations or directives promulgated in furtherance of this ordinance. Superior Officers will receive compensation directly from the City at a rate of \$10.00 per hour higher than the highest paid Off Duty Police Officer under his or her immediate supervision in a given off-duty assignment.

UNLESS STATED IN THE ABOVE TABLE, NO NIGHT, WEEKEND OR HOLIDAY DIFFERENTIAL

- (2) Any off-duty assignments over eight (8) hours shall be paid at a time and a half rate beginning with the ninth hour.
- (3) Fee for police vehicle and fuel per hour or part thereof: \$10.00. The necessity for a police vehicle at a particular site will be at the determination of the District Commander of the district of the detail Off-Duty Employment Intake Manager.
- (4) ~~The minimum period of compensation shall be four (4) hours.~~
- (5) ~~An officer who is compensated for this minimum period because of a late cancellation under subsection G or because of early termination of an assignment may not accept additional off-duty assignments during that period.~~

F. Administrative Costs.

An additional fee of ~~\$5.00~~ \$8.00 per officer Police Officer/Crossing Guard per hour is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the City of Jersey City. This additional fee shall not be charged to a nonprofit organization for an event in a City owned building nor to the Jersey City Housing Authority. The aforesaid rates shall be reviewed every three (3) years commencing January 1, 2014.

The Off-Duty Employment Intake Manager or the Director of Public Safety may adjust or waive the administrative fees in cases in which the fee here described would result in undue hardship, be prohibitive or would otherwise undermine the interest of public safety.

G. Cancellation.

If a prospective employer who fails to notify the Chief of Police Off-Duty Employment Intake Manager at least twelve (12) hours before the commencement of services that those services are no longer needed, and the Off Duty Police Officer(s) or Crossing Guard(s) arrive for the assignment, the prospective employer shall compensate

the Police Officer(s) or Crossing Guards for four (4) hours, and those Off Duty Police Officer(s) or Crossing Guard(s) will be moved to another off-duty job, if available.

H. Public emergency.

The Chief of Police Director of Public Safety, Chief of Police, or ranking Chief of Patrol shall have the authority to order any police officer Off Duty Personnel engaged in off-duty assignments to respond to an emergency. The Chief of Police Director of Public Safety may terminate an assignment whenever said assignment creates an unacceptable risk to the off-duty officer Police Officer or Crossing Guard or to the citizens of the City of Jersey City. If an off-duty assignment is cancelled or terminated by the Chief of Police Director of Public Safety, the employer shall not be responsible for any compensation or fees until the officer Police Officer or Crossing Guard returns to the assignment.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This Ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of the ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH
12/5/13

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.141
TITLE: 3.K NOV 26 2013 4.H

Ordinance amending Chapter 3 (Administration of Government) Article XI (Department of Public Safety, Division of Police) Section 85.1 (Off-Duty Assignments) of the Jersey City Municipal Code.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 26 2013				9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 26 2013

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date _____

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 13-142

Agenda No. 3.L 1st Reading

Agenda No. 4.I 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE

TITLE: ORDINANCE AUTHORIZING AN AMENDED AND RESTATED FINANCIAL AGREEMENT FOR 272 GROVE STREET URBAN RENEWAL, LLC, WHICH WAS APPROVED BY ORDINANCE 07-052, CONVERTING FROM A CONDOMINIUM PROJECT TO A MARKET RATE RESIDENTIAL RENTAL PROJECT

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, 272 Grove Street Urban Renewal, LLC, an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [Entity]; and

WHEREAS, the Entity owns certain property designated as Block 14102, Lot 101 (formerly known as Block 200, Lots 74, 75, 76, 77, 78A, 84, 85, 86 & 87), on the City's Official Tax map, more commonly known by the street address of 272 Grove Street, and more specifically described by metes and bounds, in the application [Property]; and

WHEREAS, the Property is located within the Majestic II Redevelopment Plan as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g); and

WHEREAS, by the adoption of Ordinance 07-052 on March 28, 2007, the Municipal Council of the City of Jersey City approved a tax exemption for a market-rate condominium project with a Service Charge equal to 16% of the Annual Gross Revenue based on condominium sale prices, estimated at \$474,000; and

WHEREAS, the Entity made a prepayment in full of \$300,000 in consideration of the original tax exemption; and

WHEREAS, due to a change in market conditions, it is no longer feasible for the Entity to construct a condominium Project as originally intended; and

WHEREAS, on October 23, 2013, the Entity filed an Application to amend the long term tax exemption for a rental, not a condominium, project but did not seek any extension of the term; and

WHEREAS, the Entity applied for an adjustment in the percentage of the Annual Service Charge to a number between 10% -16% of Annual Gross Revenue based on market rents, which the Entity estimates will initially generate \$367,680; and

WHEREAS, in addition, by its application for an amendment to its tax exemption dated October 23, 2013, to reflect site plan approval, although the nature of the Project being residential has not changed, the Entity has applied to reconfigure the space to be 99 market rate residential rental units, approximately 20,000 square feet of retail /commercial space and a parking garage consisting of 46 parking spaces for residential use only, consisting of approximately 13,900 square feet; and

WHEREAS, the Entity received site plan approval from the Planning Board at the December 2012 Planning Board meeting; and

WHEREAS, the term will not be reset and will commence as of March 28, 2007, the date of the adoption of the original ordinance granting the exemption; and

WHEREAS, as amended, 272 Grove Street Urban Renewal, LLC has agreed to:

1. pay the greater of the Annual Service Charge or the Minimum Annual Service Charge (i) or (ii). The Minimum Annual Service Charge (i), due upon adoption of the Ordinance be the amount of the total taxes levied against the Project, which the parties agree is \$74,659. The Minimum Annual Service Charge (ii) due upon Substantial Completion, will be the Service Charge as estimated in the application or \$367,680 per year, which sum will be prorated only in the years in which Substantial Completion occurs and this Agreement terminates.
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
3. provide employment and other economic opportunities for City residents and businesses;
4. pay to City for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge;
5. pay the sum of \$189,000 to the City's Affordable Housing Trust Fund; and

WHEREAS, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption, for the following reasons:

1. the current real estate taxes of \$74,659 generate less revenue than the Annual Service Charge as estimated, that is more than \$367,680 to the City and an additional sum equal to 5% of the Annual Service Charge to Hudson County;
2. it is expected that the Project will create approximately 200-250 jobs during construction and 50-100 new permanent jobs;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Majestic II Redevelopment Plan;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

WHEREAS, the City hereby determines that the tax exemption is important in obtaining development of the project and influencing the locational decisions of probable occupants for the following reasons:

1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;
2. the relative stability and predictability of the Annual Service Charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract purchasers to the Project and insure the likelihood of the success of the Project; and

WHEREAS, 272 Grove Street Urban Renewal, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

A. The application of 272 Grove Street Urban Renewal, LLC, an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq., a copy of which is on file in the office of the City Clerk, for designated as Block 14102, Lot 101 (formerly known as Block 200, Lots 74, 75, 76, 77, 78A, 84, 85, 86 & 87), on the City's Official Tax map, more commonly known by the street address of 272 Grove Street, more specifically described by metes and bounds in the application is hereby approved.

B. The Mayor or Business Administrator is hereby authorized to execute a tax exemption Amended Financial Agreement and a Project Employment and Contracting Agreement. The Amended Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: 25 years from the adoption of Ordinance 07-052 on March 28, 2007, which term has not been extended;
2. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge as set forth above and further defined in the Financial Agreement; or
 - (b) 10% of Annual Gross Revenue for years 1 through 6 following Substantial Completion, estimated at an initial Service Charge of \$367,680, which is anticipated to increase for the term of the tax exemption with the highest estimated Service Charge estimated at \$807,593 by year 17, to be increased in stages as follows:
 - (i) Stage One: From the 1st day of the month following Substantial Completion until the last day of the 6th year therefrom, the Annual Service Charge shall be ten percent (10%) of Annual Gross Revenue;
 - (ii) Stage Two: from the 1st day of the 7th year until the last day of the 8th year, an amount equal to the greater of (a) ten percent (10%) of the Annual Gross Revenue or (b) twenty percent (20%) of the taxes otherwise due on the value of the land and Improvements;
 - (iii) Stage Three: from the 1st day of the 9th year until the last day of the 14th year, an amount equal to the greater of (a) twelve percent (12%) of the Annual Gross Revenue or (b) forty percent (40%) of the taxes otherwise due on the value of the land and Improvements;
 - (iv) Stage Four: from the 1st day of the 15th year until the last day of the 16th year, an amount equal to the greater of (a) fourteen percent (14%) of the Annual Gross Revenue or (b) sixty percent (60%) of the taxes otherwise due on the value of the land and Improvements;
 - (v) Final Stage: from the 1st day of the 17th year until the last day of the term hereof, an amount equal to the greater of (a) sixteen percent (16%) of the Annual Gross Revenue or (b) eighty percent (80%) of the taxes otherwise due on the value of the land and Improvements;
3. Administrative Fee: 2% of the prior year's Annual Service Charge;
4. County Payment: an additional 5% of the Annual Service Charge for remittance upon receipt to Hudson County;

5. Project: construct one (1) new building, containing approximately 99 market rate residential rental units, approximately 20,000 square feet of retail/commercial space and a parking garage unit consisting of 46 parking spaces for residential use only consisting of approximately 13,900 square feet;
 6. Affordable Housing Trust Fund: the amount of the contribution in the original tax exemption will not be reduced and remains at \$189,000. However, the initial payment of \$63,000 has been paid and the balance shall be paid as follows: \$63,000 on or before the issuance of the first construction permit; and \$63,000 on or before the issuance of the first certificate of occupancy.
 7. An obligation to comply with the original Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
 8. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Project begins within two (2) years of the adoption of the within Ordinance.
- C. The City Clerk shall deliver a certified copy of the Ordinance and Amended Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.
- D. The application is on file with the office of the City Clerk. The Amended Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.
- E. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- F. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- G. This ordinance shall take effect at the time and in the manner provided by law.
- H. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

DJ/JM/he
11/25/13

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

OFFICE

GLENPOINTE CENTRE WEST
500 FRANK W. BURR BLVD, SUITE 31
TEANECK, NEW JERSEY 07666
T: 201.928.1100 F: 201.928.0588
WWW.DECOTIISLAW.COM

DIRECT

MATTHEW C. KARRENBERG, ESQ.
MKARRENBERG@DECOTIISLAW.COM
201.907.5279

November 21, 2013

Via Electronic and Hand Delivery

Steven M. Fulop, Mayor
City of Jersey City
City Hall
280 Grove Street
Jersey City, New Jersey 07302

**Re: 272 Grove Street Urban Renewal, LLC
Project: 272 Grove Street
Application for Amendment to Financial Agreement**

Dear Mayor Fulop:

Please accept this letter as an application for an amendment to an existing Financial Agreement between the City of Jersey City (the "City") and 272 Grove Street Urban Renewal, LLC (the "Company"), dated April 18, 2007. In connection with the Financial Agreement, the Company also entered into a Prepayment Agreement with the City whereby the Company pre-paid the Annual Service Charge due pursuant to the Financial Agreement in the amount of \$300,000. In addition, the Company has previously contributed \$63,000 towards its affordable housing contribution.

At the time of the execution of the Financial Agreement, it was intended that the Project would be constructed as for sale condominium units, with approximately 88 residential units, 9,000 square feet of commercial and parking for 96 cars. However, due to a change in market conditions outside of the control of the Company, the Project has been delayed and it is no longer feasible to construct the Project as originally intended. Instead, the Project has been restructured as a market rate rental project, with approximately 99 residential units, 20,000 square feet of commercial and parking for 46 cars.

Currently, the Financial Agreement calculates the Annual Service Charge as a percentage of the sale price of each condominium unit amortized over the term of the Financial Agreement. Due to the reclassification of the Project, this formula is no longer applicable and



needs to be changed. As set forth in the original application, the projected annual service charge was \$454,876. Under the proposed new formula, the average anticipated Annual Service Charge is \$422,940. In 2012, the Company paid \$146,500 in real property taxes. In addition, the amount of the affordable housing contribution shall be adjusted to \$178,500.

Construction of the Project is scheduled to begin prior to the end of the year and should be completed by early to mid 2015. It is projected that the Project will create 200-250 full-time construction jobs during the term of construction and approximately 50 permanent jobs upon completion (or upwards of 100 in the various retail and commercial uses). There has been no material change in the estimated project costs as were set forth in the original Application. In addition, the term of the Financial Agreement is unchanged, with approximately eighteen (18) years remaining.

Enclosed herein please find Amendment No. 1 to Financial Agreement, which includes updated Exhibits for Construction Schedule and a Good Faith Estimate of Rents and Annual Service Charge. Also enclosed please find Amendment No. 1 to Prepayment Agreement. It would be greatly appreciated if both of the enclosed could be promptly reviewed and referred to the City Council for its review and approval.

Also, the application fee of \$9,500 will be separately delivered. The original application fee of \$9,500 was previously submitted with the original application.

Please feel free to contact me with any questions. Thank you in advance for your time and consideration in this matter.

Very truly yours,

DeCOTHS, FITZPATRICK & COLE, LLP

By: 

Matthew C. Karrenberg

cc: 272 Grove Street Urban Renewal, L.P. (w/ encl.)
Diana Jeffrey, Esq. (w/ encl. via email)

encl.

Amendment No. 1 to Financial Agreement
Exhibit 5 – Estimated Construction Schedule
Exhibit 7 – Good Faith Estimate of Rents and Annual Service Charge
Amendment No.1 to Prepayment Agreement

AMENDMENT NO. 1 TO FINANCIAL AGREEMENT

THIS AMENDMENT NO. 1 TO FINANCIAL AGREEMENT (the "Financial Agreement Amendment No. 1"), dated as of December __, 2013, by and between **THE CITY OF JERSEY CITY**, a municipal corporation of the State of New Jersey with offices at 280 Grove Street, Jersey City, New Jersey 07302 (the "City"), and **272 GROVE STREET URBAN RENEWAL, LLC**, a limited dividend urban renewal entity, qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplemental thereto (as codified in N.J.S.A. 40A:20-1 et seq.), having its principal office at 279 Grove Street, Jersey City, New Jersey 07302 (the "Entity" and, together with the City, the "Parties"). Capitalized terms used herein but not otherwise defined herein shall have the meaning as set forth in the hereinafter defined Original Financial Agreement.

RECITALS:

WHEREAS, the Parties entered into that certain Financial Agreement, dated April 18, 2007, with regards to a long term tax exemption granted for the Project (the "Original Financial Agreement" and, together with Financial Agreement Amendment No. 1, the "Financial Agreement"); and

WHEREAS, the Project was originally to be constructed as for sale market rate condominium units; and

WHEREAS, the Project is now being constructed as rental units and the Parties desire to amend the Original Financial Agreement to incorporate the change in Project description and other changes related thereto; and

NOW, THEREFORE, for and in consideration of the mutual promises, representations, covenants and agreements contained herein and the undertakings of each Party to the other and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound hereby and to bind its successors and assigns, do mutually promise, covenant and agree as follows:

Section 1. Section 1.2 – General Definition of the Original Financial Agreement is hereby amended by deleting the definitions of "Annual Gross Revenue" and "Minimum Annual Service Charge" in their entirety and in place thereof inserting the following:

"iii. Annual Gross Revenue – Any and all revenue derived from or generated by the Project of whatever kind or amount, whether received as rent from any tenants (not including tenant security deposits) or income or fees from third parties, including but not limited to fees or income paid

or received for parking, or as user fees or for any other services, provided however, any utility expenses or charges of the Project that are paid by the Entity shall be deducted from Gross Revenue.”

“xv. Minimum Annual Service Charge – Prior to Substantial Completion, the Minimum Annual Service Charge shall equal the total taxes levied against all real property in the area covered by the Project in the last full tax year in which the area was subject to taxation, or in the event the property was tax exempt, then the amount of taxes that would have been assessed had the property been subject to conventional taxation. Upon Substantial Completion, the Minimum Annual Service Charge shall equal \$367,680”

Section 2. The following provisions of Article II of the Original Financial Agreement are hereby amended to read in their entirety as follows:

“Section 2.3 Improvements to be Constructed

Entity represents that it will construct one (1) new seven (7) story building containing approximately one hundred one (101) residential rental units, 20,000 square feet of retail / commercial rental space and parking for forty-six (46) cars.”

“Section 2.5 Ownership, Management and Control

The Entity represents that it is the owner of the property upon which the Property is to be constructed. Upon construction, the Entity represents the Improvements will be used, managed and controlled for the purposes set forth in this Agreement.”

“Section 2.7 Good Faith Estimate of Initial Rents

The Entity represents that its good faith projections of the initial rents and lease terms for the Project are set forth in Exhibit 7.”

Section 3. The following provisions of Article IV of the Original Financial Agreement are hereby amended to read in their entirety as follows:

“Section 4.1 Annual Service Charge

i City Service Charge: an amount equal to the greater of the Minimum Annual Service Charge or an Annual Service Charge equal to

(a) from the first day of the month following Substantial Completion until the last day of the 8th year therefrom, ten percent (10%) of the Annual Gross Revenue, (b) from the first day of the 9th year until the last day of the 14th year, twelve percent (12%) of the Annual Gross Revenue, (c) from the first day of the 15th year until the last day of the 16th year, fourteen percent (14%) of the Annual Gross Revenue, and (d) from the first day of the 17th year until the last day of the term hereof, sixteen percent (16%) of the Annual Gross Revenue.”

“Section 4.2 Staged Adjustments

The Annual Service Charge shall be adjusted in Stages over the term of the tax exemption as follows:

i. Stage One: From the first day of the month following Substantial Completion until the last day of the 6th year therefrom, the Annual Service Charge shall be ten percent (10%) of the Annual Gross Revenue.

ii. Stage Two: From the first day of the 7th year until the last day of the 8th year, an amount equal to the greater of (a) ten percent (10%) of the Annual Gross Revenue or (b) twenty percent (20%) of the taxes otherwise due on the value of the land and Improvements.

iii. Stage Three: From the first day of the 9th year until the last day of the 15th year, an amount equal to the greater of (a) twelve percent (12%) of the Annual Gross Revenue or (b) forty percent (40%) of the taxes otherwise due on the value of the land and Improvements.

iv. Stage Four: From the first day of the 15th year until the last day of the 16th year, an amount equal to the greater of (a) fourteen percent (14%) of the Annual Gross Revenue or (b) sixty percent (60%) of the taxes otherwise due on the value of the land and Improvements.

v. Final Stage: From the first day of the 17th year until the last day of the term hereof, an amount equal to the greater of (a) sixteen percent (16%) of the Annual Gross Revenue or (b) eighty percent (80%) of the taxes otherwise due on the value of the land and Improvements.”

“Section 4.6 Affordable Housing Contribution and Remedies

A. Contribution. The Entity shall pay the City the sum of \$181,500 as a contribution. The Entity represents that it paid \$63,000 on the effective date of the Original Financial Agreement. The Entity shall pay the remainder of the contribution as follows:

i. \$59,250 on or before the issuance of the first of any construction permit for the Project.

ii. \$59,250 on or before the date of the first of any Certificate of Occupancy is issued for the Project.

The Entity acknowledges that the City relies on this payment and will enter into agreements in anticipation of receiving such funds in a timely manner.

As set forth above, the Entity represents that it previously paid the City \$63,000, however the City is unable to confirm receipt of this payment. Therefore, prior to the introduction of the ordinance authorizing this Amendment No. 1 to Financial Agreement, the Entity paid the City \$63,000. To the extent that the Entity can provide further support that the original payment was in fact made, \$63,000 shall be credited against the amounts due as set forth in i. and ii. above. The Parties agree to cooperate with each other and work in good faith to determine whether the original payment was in fact made.”

Section 4. Section 6.3 – Master Deed of the Original Financial Agreement is hereby be deleted in its entirety.

Section 5. Section 9.2 – Approval for Sale of Condominium Unit of the Original Financial Agreement is hereby be deleted in its entirety.

Section 6. Section 16.2 – Sent by City of the Original Financial Agreement is hereby amended to read in their entirety as follows:

“Section 16.2 Sent by City

When sent by City to the Entity the notice shall be addressed to:

272 Grove Street Urban Renewal Entity, LLC
c/o Silverman Building, LLC
279 Grove Street
Jersey City, New Jersey 07306
Attn: Eric Silverman

with copy to:

DeCotiis, FitzPatrick and Cole, LLP
500 Frank W. Burr Boulevard

Suite 31
Teaneck, New Jersey 07666
Attn: Matthew C. Karrenberg, Esq.”

Section 7. Exhibit 5 – Estimated Construction Schedule of the Original Financial Agreement is hereby deleted in its entirety and replaced by Exhibit 5 attached hereto, and all references in the Financial Agreement to Exhibit 5 shall be references to Exhibit 5 as hereby amended.

Section 8. Section 19 – Exhibits, No. 7 Good Faith Estimate of Initial Sales Prices of the Original Financial Agreement is hereby amended to read in its entirety as follows:

“7. Good Faith Estimate of Rents;”

Section 9. Exhibit 7 – Good Faith Estimate of Initial Sales Prices of the Original Financial Agreement is hereby deleted in its entirety and replaced by Exhibit 7 attached hereto, and all references in the Financial Agreement to Exhibit 7 shall be references to Exhibit 7 as hereby amended.

Section 10. Other than as set forth herein, nothing contained herein shall alter, modify or amend any other provision of the Original Financial Agreement and the Financial Agreement, including each and every other such provision therein, shall remain in full force and effect.

Section 11. This Financial Agreement Amendment No. 1 may be executed in one or more counterparts and when each Party has executed and delivered at least one counterpart, this Financial Agreement Amendment No. 1 shall become binding on the Parties and such counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Financial Agreement Amendment No. 1 to be executed, all as of the date first above written.

ATTEST:

**272 GROVE STREET URBAN
RENEWAL, LLC**

By: _____
Eric Silverman, Managing Member

ATTEST:

THE CITY OF JERSEY CITY

Robert Byrne, City Clerk

By: _____
Steven M. Fulop, Mayor

Exhibit 5

Estimated Construction Schedule For Majestic II

Commence Construction: January, 2014

Complete Construction : June, 2015

2772 Grove Street Urban Renewal, LLC

11/19/2013

Annual Gross Revenue Computation
Rental Formula
Projected Rent & Projected Annual Service Charge

Unit Type	Average Sq. Ft.	Average Rent/Month	Average Annual Rent	Percentage of Gross Revenue	Average Estimated ASC Per Unit	Hudson County Service Charge	Annual Municipal Administrative Fee	# of Units	ASC for Type of Unit (Municipal)	Total Estimated
Studio	650	\$2,000	\$24,000	10% \$	2,400	\$120	\$48	24	\$57,600	
One Bedroom	1000	\$2,600	\$31,200	10% \$	3,120	\$156	\$62	36	\$112,320	
Two Bedroom	1200	\$3,200	\$38,400	10% \$	3,840	\$192	\$77	30	\$115,200	
Three Bedroom	1400	\$3,800	\$45,600	10% \$	4,560	\$228	\$91	9	\$41,040	
Retail/Commercial	N/A	\$30,000	\$360,000	10% \$	36,000	\$1,800	\$720	1	\$36,000	
Parking	N/A	\$4,600	\$55,200	10% \$	5,520	\$276	\$110	1	\$5,520	
Total ASC All Units										\$367,680

1) Total Estimated Annual Hudson County Service Charge: \$2,772
2) Total Estimated Annual Municipal Administrative Fee: \$1,109

RESOLUTION
JERSEY CITY PLANNING BOARD
CASE # P12-088
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL

IN THE MATTER OF
THE APPLICATION OF: 272 Grove Street Urban Renewal, LLC
PROPERTY: 272 Grove Street
BLOCK 14102
LOT 1
HEARING DATE: December 4, 2012

WHEREAS, 272 Grove Street Urban Renewal, LLC is the applicant regarding the subject property in the City of Jersey City, and

WHEREAS, the applicant has applied to the Planning Board of the City of Jersey City for Preliminary and Final Major Site Plan approval in the Majestic II Redevelopment Plan area, and

WHEREAS, all required fees have been paid, and

WHEREAS, the Board has heard and considered the evidence presented by arguments of counsel for the applicant, testimony from the applicant's expert, testimony from neighbors and comments of the Board's staff, and

WHEREAS, the Board has made the following findings of fact and conclusions based on said evidence:

1. The property is located in the Majestic II Redevelopment Plan Area.
2. The Board previously approved amendments to the Majestic II Redevelopment Plan area.
3. The plans conform to the requirements of the Majestic II Redevelopment Plan and no deviations from the Majestic II Redevelopment Plan are required.
4. The Board heard the testimony of neighbors regarding the proposed plans and carefully considered their comments.
5. The plan provides a safe, efficient, aesthetic and suitable development at the subject site and in the subject area and serves the purposes of the redevelopment plan and the intent and purposes of the land use regulations, there being no foreseeable substantial detrimental effects.

6. Applicant will seek input of the HPC by presenting the project at their December 17, 2012 meeting.
7. Although not a requirement of this application, the applicant will monitor vibrations during pile driving and construction as discussed in separate and independent meetings with the community.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF JERSEY CITY THAT the application of 272 GROVE STREET URBAN RENEWAL, LLC for Preliminary and Final Major Site Plan approval is hereby granted subject to the following conditions:

1. Applicants will post performance bonds for 120% of the public improvements to be estimated by the City Engineer.
2. All of review comments of the City Departments, including the engineering report dated 12/04/12, be incorporated into the final plans.
3. Applicants will incorporate more street trees on York Street through the site edge.
4. Applicant will continue the fence line along York Street with a decorative fence appropriate to the Historic District.

And, BE IT FURTHER RESOLVED THAT this Board's secretary shall provide a copy of this resolution to the Applicant's attorney and to all who request a copy of same.

RESOLUTION
JERSEY CITY PLANNING BOARD
CASE # P12-088
PRELIMINARY AND MAJOR SITE PLAN APPROVAL

IN THE MATTER OF

THE APPLICATION OF: 272 Grove Street Urban Renewal, LLC
PROPERTY: 272 Grove Street

BLOCK 14102

LOT 1

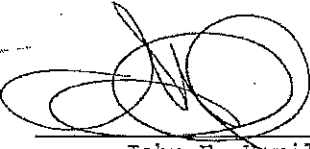
HEARING DATE: December 4, 2012

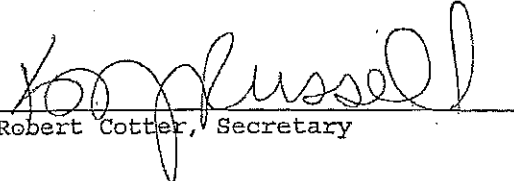
ROLL CALL:

	In Favor	Opposed	Abstained
Commissioner Ryan, Chairman	X		
Commissioner Eccleston	X		
Commissioner Gonzalez	X		
Commissioner Sims			X
Commissioner McNeill	X		
Commissioner McIntyre	X		
Commissioner Torres	X		
Commissioner Lopez	X		

Approved: 7-0-1



Michael Ryan, Chairman

John F. Hamill, Esquire
Approved as to Legal Form

Robert Cotter, Secretary

Date Application Approved: December 4, 2012
Date Resolution Memorialized: December 18, 2012

V/2-088

MAJESTIC II REDEVELOPMENT ZONING DATA

THE EXISTING PROPERTY IS DEFINED AS THE MAJESTIC II REDEVELOPMENT AREA. ZONING FOR THIS AREA IS FOUND UNDER THE AMENDED DEVELOPMENT PLAN OF THE SAME NAME ISSUED BY THE CITY OF JERSEY CITY.

BLOCK NO:	14102	DEVIATIONS	
LOT NO:	1, 16, 17, 35, 36, 37	No Change	
ZONING:	MAJESTIC II REDEVELOPM	No Change	
USE:	MULTIPLE FAMILY DWELLING, COMMERCIAL	No Change	
NO. OF UNITS:	106 UNITS	99 Units	
LOT AREA:	31,551 SF	No Change	
DENSITY (DU/ACRE):	146	137	
UNIT COUNT:	(7) 3BR, (29) 2BR, (39) 1BR, (31) STUDIOS	(9) 3BR, (30) 2BR, (36) 1BR, (24) STUDIOS	
ZONING COMPARISON CHART			
ITEM	REQUIRED	APPROVED	DEVIATIONS
BUILDING HEIGHT:	90'-0"	89'-6"	No Change
SETBACKS:			
REAR YARD	5' GARAGE	5' GARAGE	4'-6" GARAGE
	20' RESIDENTIAL	20' RESIDENTIAL	No Change
STEPBACKS:			
MONTGOMERY STREET	1'-6" FROM AT 5TH FLOOR ACROSS FROM	1'-6"	No Change
YORK STREET	20' AT 4TH FLOOR	20'	No Change
EASTERN PROPERTY LINE	20' AT 6TH FLOOR	20'	No Change
PARKING:	0.4 SPACES PER	48	No Change
MIN AISLE DIMENSION	22'	22'	No Change
ACCESS CURB CUT DIM:	18'	18'	No Change
LOBBY ACCESS LOCATION	MONTGOMERY STREET	MONTGOMERY STREET	No Change
TREES	1 TREE/35' ON STREETS	TREES PROVIDED AT 25' TYPICAL, 35' AT GARAGE ENTRIES AND CORNER	No Change
BUILDING AREAS			AREA:
BUILDING COVERAGE:	AREA:		28,961 SF
NEW BUILDING	29,187 SF		
FLOOR AREAS:	GROSS	NET	UNIT COUNTS / AREA BREAKDOWNS
NEW 7 STORY BUILDING	NEW 7 STORY BUILDING		NEW 7 STORY BUILDING
GARAGE	15,056 SF		15,056 SF
MERCANTILE	10,996 SF		10,996 SF
OFFICE	10,017 SF		15,279 SF
APT. LEVELS:		UNIT COUNT:	UNIT COUNT:
2ND FLR	14,068 SF	10,598 SF	(1) ST, (3) 1 BR, (2) 2 BR, (0) 3 BR
3RD FLR	23,501 SF	20,989 SF	(6) ST, (8) 1 BR, (6) 2 BR, (2) 3 BR
4th FLR	22,184 SF	19,672 SF	(6) ST, (8) 1 BR, (6) 2 BR, (1) 3 BR
5th FLR	22,184 SF	19,672 SF	(6) ST, (8) 1 BR, (6) 2 BR, (1) 3 BR
6th FLR	19,858 SF	17,498 SF	(6) ST, (7) 1 BR, (5) 2 BR, (1) 3 BR
7th FLR	14,705 SF	10,954 SF	(6) ST, (4) 1 BR, (2) 2 BR, (1) 3 BR
TOTAL	116,500 SF	99,383 SF	(31) ST, (39) 1 BR, (29) 2 BR, (7) 3 BR = 106 UNITS
TOTAL W/ GARAGE / MERC / OFFICE	155,704 SF		105,987 SF 90,361 SF
			147,318 SF

272 GROVE STREET URBAN RENEWAL, LLC

City of Jersey City

11/20/2013

27264

9,500.00

Sovereign Bank

Tax Abatement Application

9,500.00

272 Grove Street Urban Renewal, LLC
P.O. Box 3377, Memorial Station
Montclair, NJ 07043-3377
(201) 435-8000

SOVEREIGN BANK
60-7269/2313

27264

11/20/2013

PAY TO THE
ORDER OF City of Jersey City

\$ **9,500.00

Nine Thousand Five Hundred and 00/100

DOLLARS

City of Jersey City
30 Montgomery Street
Jersey City, NJ 07302

VOID AFTER 60 DAYS

MENOTax Abatement Application

027264 23137269 381245160

Get 9045 - Application Fee

CITY OF JERSEY CITY
280 GROVE ST.
ROOM# 101
JERSEY CITY, NJ 07302

Tax Payers Receipt

LGALLAGHER TR 11/21/2013 DP 11/21/2013
GR# 3860126 ACT# 649045 CK# 27264
Owner: 272 GROVE STREET URBAN RENEWAL,LL
Blk/Lot 14102 00001

2013 4 APPLICATION FEE PAYMENT 9,500.00

Total Due:	9,500.00
Check:	9,500.00
Total Paid:	9,500.00
Change Due:	.00

272 Grove Street Urban Renewal, LLC
P.O. Box 3377, Memorial Station
Montclair, NJ 07043-3377
(201) 435-8000

SOVEREIGN BANK
60-7269/2313

27263

11/20/2013

PAY TO THE
ORDER OF City of Jersey City

\$ **63,000.00

Sixty-Three Thousand and 00/100***** DOLLARS

City of Jersey City
30 Montgomery Street
Jersey City, NJ 07302

VOID AFTER 60 DAYS

MEMO

Affording Housing Contribution

⑈027263⑈ ⑈23137269⑈ 381245160⑈

272 GROVE STREET URBAN RENEWAL, LLC

27263

City of Jersey City

11/20/2013

63,000.00

6490245

1st - AHTF : PAYMENT

1st Installment

Sovereign Bank

Affording Housing Contribution

63,000.00

CITY OF JERSEY CITY
280 GROVE ST.
ROOM# 101
JERSEY CITY, NJ 07302

Tax Payers Receipt

LGALLAGHER TR 11/21/2013 DP 11/21/2013
GR# 3860129 ACT# 649045 CK# 27263
Owner: 272 GROVE STREET URBAN RENEWAL,LL
Blk/Lot 14102 00001

2013 4 AFFORD HSG PAYMENT 63,000.00

Total Due:	63,000.00
Check:	63,000.00
Total Paid:	63,000.00
Change Due:	.00

Rev. 11-25-13
Long Term Tax Exemption
N.J.S.A. 40A:20-1, et seq.
(New Market Rate Res Rental FA)

Re: 272 Grove Street
Approximately _____ Acres
Block 14102, Lots 1 & 37, collectively known as Lot 101,
(f/k/a Block 200, Lots 74, 75, 76, 77, 78A, 84, 85, 86 & 87)
Majestic II Redevelopment Plan or

PREAMBLE

THIS AMENDED AND RESTATED FINANCIAL AGREEMENT, [Agreement] is made the _____ day of _____, 2013 by and between **272 GROVE STREET URBAN RENEWAL**, an urban renewal entity formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq., having its principal office at 279 Grove Street, Jersey City, NJ 07302 [Entity], and the **CITY OF JERSEY CITY**, a Municipal Corporation of the State of New Jersey, having its principal office at 280 Grove Street, Jersey City, New Jersey 07302 [City].

RECITALS

WITNESSETH:

WHEREAS, the Entity is the Owner pursuant to Deed(s) dated _____, of certain property designated as Block 14102, Lot 101 (f/k/a Block 200, Lot 74, 75, 76, 77, 78A, 84, 85, 86 & 87), more commonly known by the street address of 272 Grove Street, Jersey City, and more particularly described by the metes and bounds description set forth as Exhibit 1 to this Agreement; and

WHEREAS, this property is located within the boundaries of the Majestic II Redevelopment Plan Area; and

WHEREAS, by the adoption of Ordinance 07-052 on March 28, 2007 the Entity received a tax exemption to terminate the earlier of 25 years from the adoption of the ordinance or 20 years from date of Substantial Completion, for a market rate condominium project with retail/commercial space and parking; and

WHEREAS, as the result of a change in market conditions, it is no longer feasible for the Entity to construct a condominium project as originally intended; and

WHEREAS, the Entity filed an application to amend the tax exemption and reconfigure the project as a market rental project in a building with approximately 99 market rate residential rental units, 20,000 square feet of retail space and a garage to contain approximately 46 parking spaces; [Project]; and

WHEREAS, the Project received new site plan approval from the Planning Board in December 2012; and

WHEREAS, on October 23, 2013 the Entity filed an initial Application to amend the long term tax exemption for the Project and execute a new Amended and restated Financial Agreement; and

WHEREAS, by the adoption of Ordinance _____ on _____, 2013, the Municipal Council approved the amendments and authorized the execution of an Amended and Restated Financial Agreement; and

WHEREAS, the City made the following findings:

A. Relative Benefits of the Project when compared to the costs:

1. the current real estate tax generates revenue of only \$74,659 whereas, the Annual Service charge as estimated, will generate revenue to the City of approximately \$367,680 upon Substantial Completion;
2. the Entity will pay the City the sum of \$189,000, as an affordable housing contribution pursuant to Ordinance 03-112, \$63,000 of which has been paid to date;
3. it is expected that the Project will create approximately 200-250 construction jobs and 50-100 permanent full time jobs;
4. the project should stabilize and contribute to the economic growth of existing local business and to the creation of new businesses, which cater to the new occupants;
5. the Project will further the redevelopment objectives of the Majestic II Redevelopment Plan;
6. the City's Impact Analysis, on file with the Office of the City Clerk,

indicates that the benefits of the Project outweigh the costs to the City; and

B. Assessment of the Importance of the Tax Exemption in obtaining development of the project and influencing the locational decisions of probable occupants:

1. the relative stability and predictability of the annual service charges will make the Project more attractive to investors and lenders needed to finance the Project; and
2. the relative stability and predictability of the service charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract occupants to the Project, insure the likelihood of stabilized rents to tenants and the success of the Project; and
3. have a positive impact on the surrounding area.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Governing Law

This Agreement shall be governed by the provisions of the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1 et seq., Disclosure of Lobbyist Status, Ordinance 02-075, and Ordinance _____, which authorized the execution of this Agreement. It being expressly understood and agreed that the City expressly relies upon the facts, data, and representations contained in the Application, attached hereto as Exhibit 3, in granting this tax exemption. The parties agree that the Financial Agreement dated April 18, 2007 is hereby rescinded in its entirety and is no longer of any force or effect.

Section 1.2 General Definitions

Unless specifically provided otherwise or the context otherwise requires, when used in this Agreement, the following terms shall have the following meanings:

- i. Allowable Net Profit- The amount arrived at by applying the Allowable Profit Rate to Total Project Cost pursuant to N.J.S.A. 40A:20-3(c).
- ii. Allowable Profit Rate - The greater of 12% or the percentage per annum arrived

at by adding 1.25% to the annual interest percentage rate payable on the Entity's initial permanent mortgage financing. If the initial permanent mortgage is insured or guaranteed by a governmental agency, the mortgage insurance premium or similar charge, if payable on a per annum basis, shall be considered as interest for this purpose. If there is no permanent mortgage financing, or if the financing is internal or undertaken by a related party, the Allowable Profit Rate shall be the greater of 12% or the percentage per annum arrived at by adding 1.25% per annum to the interest rate per annum which the municipality determines to be the prevailing rate on mortgage financing on comparable improvements in Hudson County. The provisions of N.J.S.A. 40A:20-3(b) are incorporated herein by reference.

iii. Annual Gross Revenue Any and all revenue derived from or generated by the Project of whatever kind or amount, whether received as rent from any tenants or income or fees from third parties, including but not limited to fees or income paid or received for parking, or as user fees or for any other services. No deductions will be allowed for operating or maintenance costs, including, but not limited to gas, electric, water and sewer, other utilities, garbage removal and insurance charges, whether paid for by the landlord, tenant or a third party.

iv. Annual Service Charge - The amount the Entity has agreed to pay the City each year for municipal services supplied to the Project, which sum is in lieu of any taxes on the Improvements, pursuant to N.J.S.A. 40A:20-12. It shall include a payment for all excess profit consistent with the provisions of N.J.S.A. 40A:20-15.

v. Auditor's Report - A complete annual financial statement outlining the financial status of the Project, which shall also include a certification of Total Project Cost and clear computation of the Net Profit. The contents of the Auditor's Report shall have been prepared in conformity with generally accepted accounting principles and shall contain at a minimum the following: a balance sheet, a statement of income, a statement of retained earnings or changes in stockholders' equity, a statement of cash flows, descriptions of accounting policies, notes to financial statements and appropriate schedules and explanatory material results of operations, cash flows and any other items required by Law. The Auditor's Report shall be certified as to its conformance with such principles by a certified public accountant who is licensed to practice that profession in the State of New Jersey.

vi. Certificate of Occupancy - A document, whether temporary or permanent, issued by the City authorizing occupancy of a building, in whole or in part, pursuant to N.J.S.A. 52:27D-133.

vii. Debt Service - The amount required to make annual payments of principal and interest or the equivalent thereof on any construction mortgage, permanent mortgage or other financing including returns on institutional equity financing and market rate related party debt for the project for a period equal to the term of this agreement.

viii. Default - Shall be a breach of or the failure of the Entity to perform any obligation imposed upon the Entity by the terms of this Agreement, or under the Law, beyond any applicable grace or cure periods.

ix. Entity - The term Entity within this Agreement shall mean 272 Grove Street Urban Renewal, LLC, which Entity is formed and qualified pursuant to N.J.S.A. 40A:20-5. It shall also include any subsequent purchasers or successors in interest of the Project, provided they are formed and operate under the Law.

x. Improvements or Project - Any building, structure or fixture permanently affixed to the land and to be constructed and tax exempted under this Agreement.

xi. In Rem Tax Foreclosure or Tax Foreclosure - A summary proceeding by which the City may enforce a lien for taxes due and owing by tax sale, under N.J.S.A. 54:5-1 to 54:5-129 et seq.

xii. Land Taxes - The amount of taxes assessed on the value of land, on which the project is located and, if applicable, taxes on any pre-existing improvements. Land Taxes are not exempt; however, Land Taxes are applied as a credit against the Annual Service Charge.

xiii. Land Tax Payments - Payments made on the quarterly due dates, including approved grace periods if any, for Land Taxes as determined by the Tax Assessor and the Tax Collector.

xiv. Law - Law shall refer to the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1, et seq. Ordinance 02-075 requiring Disclosure of Lobbyist Status and Ordinance _____, which authorized the execution of this Agreement and all other relevant Federal, State or City statutes, ordinances, resolutions, rules and regulations.

xv. Minimum Annual Service Charge – prior to Substantial Completion, the total taxes levied against all real property in the area covered by the Project in the last full tax year in which the area was subject to taxation, or in the event the property was tax exempt, then the amount of taxes that would have been assessed had the property been subject to conventional taxation.

Following Substantial Completion, the Minimum Annual Service Charge shall be the sum of \$367,680 per year, and shall be paid in each year in which the Annual Service Charge, calculated pursuant to N.J.S.A. 40A:20-12 or this Agreement, would be less than the Minimum Annual Service Charge.

xvi. Net Profit - The Gross Revenues of the Entity less all annual operating and non-operating expenses of the Entity, all determined in accordance with generally accepted accounting principles, but:

(1) there shall be included in expenses: (a) all Annual Service charges paid pursuant to N.J.S.A. 40A:20-12; (b) all payments to the City of excess profits pursuant to N.J.S.A. 40A:20-15 or N.J.S.A. 40A:20-16; (c) an annual amount sufficient to amortize (utilizing the straight line method-equal annual amounts) the Total Project Cost and all capital costs determined in accordance with generally accepted accounting principles, of any other entity whose revenue is included in the computation of excess profits over the term of this agreement; (d) all reasonable annual operating expenses of the Entity and any other entity whose revenue is included in the computation of excess profits including the cost of all management fees, brokerage commissions, insurance premiums, all taxes or service charges paid, legal, accounting, or other professional service fees, utilities, building maintenance costs, building and office supplies and payments into repair or maintenance reserve accounts; (e) all payments of rent including but not limited to ground rent by the Entity; (f) all debt service; and

(2) there shall not be included in expenses either depreciation or obsolescence, interest on debt, except interest which is part of debt service, income taxes or salaries, bonuses or other compensation paid, directly or indirectly to directors, officers and stockholders of the entity, or officers, partners or other persons holding a proprietary ownership interest in the entity.

xvii. Pronouns - He or it shall mean the masculine, feminine or neuter gender, the singular, as well as the plural, as context requires.

xviii. Substantial Completion - The determination by the City that the Project, in whole or in part, is ready for the use intended, which ordinarily shall mean the first date on which the Project receives, or is eligible to receive, any Certificate of Occupancy whether temporary or permanent for any portion of the Project.

xix. Termination - Any act or omission which by operation of the terms of this Financial Agreement shall cause the Entity to relinquish its tax exemption.

xx. Total Project Cost - The total cost of constructing the Project through the date a Certificate(s) of Occupancy is issued for the entire Project, which categories of cost are set forth in N.J.S.A. 40A:20-3(h). There shall be included from Total Project Cost the actual costs incurred by the Entity and certified by an independent and qualified architect or engineer, which are associated with site remediation and cleanup of environmentally hazardous materials or contaminants in accordance with State or Federal law and any extraordinary costs incurred including the cost of demolishing structures, relocation or removal of public utilities, cost of relocating displaced residents or buildings and the clearing of title. The Entity agrees that final Total Project Cost shall not be less than its estimated Total Project Cost.

ARTICLE II - APPROVAL

Section 2.1 Approval of Tax Exemption

The City hereby grants its approval for a tax exemption for all the Improvements to be constructed and maintained in accordance with the terms and conditions of this Agreement and the provisions of the Law which Improvements shall be constructed on certain property known on the Official Tax Assessor's Map of the City as: Block 14102, Lot 101 (f/k/a Block 200, Lot 74, 75, 76, 77, 78A, 84, 85, 86 & 87), commonly known by the street address 272 Grove Street, Jersey City, and described by metes and bounds in Exhibit 1 attached hereto.

Section 2.2 Approval of Entity

Approval is granted to the Entity whose Certificate of Formation is attached hereto as Exhibit 4. Entity represents that its Certificate contains all the requisite provisions of the Law; has been reviewed and approved by the Commissioner of the Department of Community Affairs;

and has been filed with, as appropriate, the Office of the State Treasurer or Office of the Hudson County Clerk, all in accordance with N.J.S.A. 40A:20-5.

Section 2.3 Improvements to be Constructed

Entity represents that it will construct one (1) building with approximately 99 market rate residential rental units, approximately 20,000 square feet of commercial/retail space and a parking garage to contain approximately forty six (46) parking spaces for residential use only; all of which is specifically described in the Application attached hereto as Exhibit 3.

Section 2.4 Construction Schedule

The Entity agrees to diligently undertake to commence construction and complete the Project in accordance with the Estimated Construction Schedule, attached hereto as Exhibit 5.

Section 2.5 Ownership, Management and Control

The Entity represents that it is the owner of the property upon which the Project is to be constructed. Upon construction, the Entity represents that the Improvements will be used, managed and controlled for the purposes set forth in this Agreement.

Section 2.6 Financial Plan

The Entity represents that the Improvements shall be financed in accordance with the Financial Plan attached hereto as Exhibit 6. The Plan sets forth a good faith estimate of Total Project Cost, the amortization rate on the Total Project Cost, the source of funds, the interest rates to be paid on construction financing, the source and amount of paid-in capital, and the terms of any mortgage amortization.

Section 2.7 Good Faith Estimate of Initial Rents

The Entity represents that its good faith projections of the initial rents and other revenue to the Project are set forth in Exhibit 7.

ARTICLE III - DURATION OF AGREEMENT

Section 3.1 Term

So long as there is compliance with the Law and this Agreement, it is understood and agreed by the parties hereto that this Agreement shall remain in effect for 25 years from the adoption of Ordinance 07-052 on March 28, 2007, which term has not been extended. The tax exemption shall only be effective during the period of usefulness of the Project and shall

continue in force only while the Project is owned by a corporation or association formed and operating under the Law.

ARTICLE IV - ANNUAL SERVICE CHARGE

Section 4.1 Annual Service Charge

In consideration of the tax exemption, the Entity shall make the following annual payments to the City for services provided to the Project:

i. City Service Charge: an amount equal to the greater of the Minimum Annual Service Charge or an Annual Service Charge equal to (a) from the first day of the month following Substantial Completion until the last day of the 8th year therefrom, ten percent (10%) of the Annual Gross Revenue; (b) from the first day of the 9th year until the last day of the 14th year, twelve percent (12%) of the Annual Gross Revenue; (c) from the first day of the 15th year until the last day of the 16th year, fourteen percent (14%) of the Annual Gross Revenue; and (d) from the first day of the 17th year until the last day of the term hereof, sixteen percent (16%) of the Annual Gross Revenue.

ii. County Service Charge: an amount equal to 5% of the Municipal Annual Service Charge shall be paid to the City and remitted by the City to the County.

iii. The Minimum Annual Service Charge calculated pursuant to Section xv(a) hereunder, shall be due beginning on the effective date of this Agreement. The Minimum Annual Service Charge calculated pursuant to Section xv(b) shall be due beginning on the first day of the month following Substantial Completion.

iv. The City and County Annual Service Charge shall be due on the first day of the month following the Substantial Completion of the Project. In the event the Entity fails to timely pay the Minimum Annual Service Charge or the Annual Service Charge, the unpaid amount shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on land until paid.

Section 4.2 Staged Adjustments

The Annual Service Charge shall be adjusted, in Stages over the term of the tax exemption in accordance with N.J.S.A. 40A:20-12(b) as follows:

i. Stage One: From the 1st day of the month following Substantial Completion until the last day of the 6th year therefrom, the Annual Service Charge shall be ten percent (10%) of Annual Gross Revenue;

ii. Stage Two: from the 1st day of the 7th year until the last day of the 8th year, an amount equal to the greater of (a) ten percent (10%) of the Annual Gross Revenue or (b) twenty percent (20%) of the taxes otherwise due on the value of the land and Improvements;

iii. Stage Three: from the 1st day of the 9th year until the last day of the 14th year, an amount equal to the greater of (a) twelve percent (12%) of the Annual Gross Revenue or (b) forty percent (40%) of the taxes otherwise due on the value of the land and Improvements;

iv. Stage Four: from the 1st day of the 15th year until the last day of the 16th year, an amount equal to the greater of (a) fourteen percent (14%) of the Annual Gross Revenue or (b) sixty percent (60%) of the taxes otherwise due on the value of the land and Improvements;

v. Final Stage: from the 1st day of the 17th year until the last day of the term hereof, an amount equal to the greater of (a) sixteen percent (16%) of the Annual Gross Revenue or (b) eighty percent (80%) of the taxes otherwise due on the value of the land and Improvements;

Section 4.3 Land Tax

The Entity is required to pay both the Annual Service Charge and the Land Tax Payments. The Entity is obligated to make timely Land Tax Payments, including any tax on the pre-existing improvements, in order to be entitled to a Land Tax credit against the Annual Service Charge for the subsequent year. The Entity shall be entitled to credit for the amount, without interest, of the Land Tax Payments made in the last four preceding quarterly installments against the Annual Service Charge. In any quarter that the Entity fails to make any Land Tax Payments when due and owing, such delinquency shall render the Entity ineligible for any Land Tax Payment credit against the Annual Service Charge. No credit will be applied against the Annual Service Charge for a partial payment of Land Taxes. In addition, the City shall have, among this remedy and other remedies, the right to proceed against the property pursuant to the In Rem Tax Foreclosure Act, N.J.S.A. 54:5-1, et seq. and/or declare a Default and terminate this Agreement.

Section 4.4 Quarterly Installments / Interest

The Entity expressly agrees that the Annual Service Charge shall be made in quarterly installments on those dates when real estate tax payments are due; subject, nevertheless, to adjustment for over or underpayment within thirty (30) days after the close of each calendar year. In the event that the Entity fails to pay the Annual Service Charge or any other charge due under this agreement, the unpaid amount shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on the land until paid in full.

Section 4.5 Administrative Fee

The Entity shall also pay an annual Administrative Fee to the City in addition to the Annual Service Charge and Land Tax levy. The Administrative Fee shall be calculated as two (2%) percent of each prior year's Annual Service Charge. This fee shall be payable and due on or before December 31st of each year, and collected in the same manner as the Annual Service Charge. In the event the Entity fails to pay the Administrative Fee, the unpaid amount shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on the land until paid in full.

Section 4.6 Affordable Housing Contribution and Remedies

A. **Contribution.** The Entity will pay the City the total sum of \$189,000, of which the City acknowledges that \$63,000 has been paid to date. The balance sum shall be due and payable as follows:

- i. \$63,000 on or before the issuance of the first of any construction permit for the Project; and
- ii. \$63,000 on or before the date the first of any Certificate of Occupancy is issued for the Project.

B. **Remedies.** In the event the Entity fails to timely pay the contribution, the unpaid amount shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on the land until paid in full.

Section 4.7 Material Conditions

It is expressly agreed and understood that the timely payments of Land Taxes, Minimum Annual Service Charges, Annual Service Charges, including adjustments thereto, Administrative

Fees, Affordable Housing Contributions, and any interest thereon, are Material Conditions of this Agreement.

ARTICLE V - PROJECT EMPLOYMENT AND CONTRACTING AGREEMENT

Section 5.1 Project Employment and Contracting Agreement

In order to provide City residents and businesses with certain employment and other economic related opportunities, the Entity is subject to the terms and conditions of the Project Employment and Contracting Agreement, attached hereto as Exhibit 8.

ARTICLE VI - CERTIFICATE OF OCCUPANCY

Section 6.1 Certificate of Occupancy

It is understood and agreed that it shall be the obligation of the Entity to obtain all Certificates of Occupancy in a timely manner so as to complete construction in accordance with the proposed construction schedule attached hereto as Exhibit 5. The failure to secure the Certificates of Occupancy shall subject the Property to full taxation for the period between the date of Substantial Completion and the date the Certificate of Occupancy is obtained.

Section 6.2 Filing of Certificate of Occupancy

It shall be the primary responsibility of the Entity to forthwith file with both the Tax Assessor and the Tax Collector a copy of each Certificate of Occupancy.

Failure of the Entity to file such issued Certificate of Occupancy as required by the preceding paragraph, shall not militate against any action or non-action, taken by the City, including, if appropriate retroactive billing with interest for any charges determined to be due, in the absence of such filing by the Entity.

ARTICLE VII - ANNUAL REPORTS

Section 7.1 Accounting System

The Entity agrees to maintain a system of accounting and internal controls established and administered in accordance with generally accepted accounting principles.

Section 7.2 Periodic Reports

A. Auditor's Report: Within ninety (90) days after the close of each fiscal or calendar year, depending on the Entity's accounting basis that the Agreement shall continue in effect, the Entity shall submit to the Mayor and Municipal Council and the NJ Division of Local

Government Services in the Department of Community Affairs, its Auditor's Report for the preceding fiscal or calendar year. The Auditor's Report shall include, but not be limited to gross revenue, and the terms and interest rate on any mortgage(s) associated with the purchase or construction of the Project and such details as may relate to the financial affairs of the Entity and to its operation and performance hereunder, pursuant to the Law and this Agreement. The Report shall clearly identify and calculate the Net Profit for the Entity during the previous year, the excess of which shall be paid to the City in a manner consistent with the provisions of N.J.S.A. 40A:20-15.

B. Total Project Cost Audit: Within ninety (90) days after Substantial Completion of the Project, the Entity shall submit to the Mayor, Municipal Council, the Tax Collector and the City Clerk, who shall advise those municipal officials required to be advised, an audit of Total Project Cost, including but not limited to an audit of actual construction costs as certified by the Project architect.

C. Disclosure Statement: On the anniversary date of the execution of this Agreement, and each and every year thereafter while this agreement is in effect, the Entity shall submit to the Municipal Council, the Tax Collector and the City Clerk, who shall advise those municipal officials required to be advised, a Disclosure Statement listing the persons having an ownership interest in the Project, and the extent of the ownership interest of each and such additional information as the City may request from time to time. All disclosures shall include ownership interests of the individual persons owning any corporate interest in the Entity.

Section 7.3 Inspection/Audit

The Entity shall permit the inspection of its property, equipment, buildings and other facilities of the Project and, if deemed appropriate or necessary, any other related Entity by representatives duly authorized by the City or the NJ Division of Local Government Services in the Department of Community Affairs. It shall also permit, upon request, examination and audit of its books, contracts, records, documents and papers. Such examination or audit shall be made during the reasonable hours of the business day, in the presence of an officer or agent designated by the Entity for any year during which the tax exemption financial agreement was in full force and effect.

All costs incurred by the City to conduct a review of the Entity's audits, including reasonable attorneys' fees if appropriate, shall be billed to the Entity and paid to the City as part of the Entity's Annual Service Charge. Delinquent payments shall accrue interest at the same rate as for a delinquent service charge.

ARTICLE VIII- LIMITATION OF PROFITS AND RESERVES

Section 8.1 Limitation of Profits and Reserves

During the period of tax exemption as provided herein, the Entity shall be subject to a limitation of its profits pursuant to the provisions of N.J.S.A. 40A:20-15.

The Entity shall have the right to establish a reserve against vacancies, unpaid rentals, and reasonable contingencies in an amount equal to five (5%) percent of the Gross Revenue of the Entity for the last full fiscal year preceding the year and may retain such part of the Excess Net Profits as is necessary to eliminate a deficiency in that reserve, as provided in N.J.S.A. 40A:20-15. The reserve is to be non-cumulative, it being intended that no further credits thereto shall be permitted after the reserve shall have attained the allowable level of five (5%) percent of the preceding year's Gross Revenue.

Section 8.2 Payment of Excess Net Profit

Whenever the net profits of the Entity for the period, taken as one accounting period, commencing on the date on which the Project is completed, and terminating at the end of the last full fiscal year, shall exceed the allowable net profits for the period, the Entity shall, within 120 days of the close of that fiscal year, pay the excess net profits to the municipality as an additional service charge. However, that the Entity may maintain a reserve as determined pursuant to aforementioned paragraph 8.1. The calculation of the Entity's Excess Net Profits shall include those project costs directly attributable to site remediation and cleanup expenses and any other costs excluded in the definition of Total Project Cost in Section 1.2 (xx) of this Agreement even though those costs may have been deducted from the project costs for purposes of calculating the annual service charge.

Section 8.3 Payment of Reserve/ Excess Net Profit Upon Termination, Expiration or Sale

The date of termination, expiration or sale shall be considered to be the close of the fiscal

year of the Entity. Within ninety (90) days after such date, the Entity shall pay to the City the amount of the reserve, if any, maintained by it pursuant to this section and the balance of the Excess Net Profit, if any.

ARTICLE IX - ASSIGNMENT AND/OR ASSUMPTION

Section 9.1 Approval of Sale

Any sale or transfer of the Project, shall be void unless approved in advance by Ordinance of the Municipal Council. It is understood and agreed that the City, on written application by the Entity, will not unreasonably withhold its consent to a sale of the Project and the transfer of this Agreement provided 1) the new Entity does not own any other Project subject to long term tax exemption at the time of transfer; 2) the new Entity is formed and eligible to operate under the Law; 3) the Entity is not then in default of this Agreement or the Law; 4) the Entity's obligations under this Agreement are fully assumed by the new Entity; and 5) the Entity pays in full the maximum transfer fee, 2% of the Annual Service Charge, as permitted by N.J.S.A. 40A:20-10(d).

Nothing herein shall prohibit any transfer of the ownership interest in the Entity itself provided that the transfer, if greater than 10%, is disclosed to the City in the annual disclosure statement or in correspondence sent to the City in advance of the filing of the annual disclosure statement.

Section 9.2 Transfer Application Fee

Where the consent or approval of the City is sought for approval of a change in ownership or sale or transfer of the Project, the Entity shall be required to pay to the City a new tax exemption application fee for the legal and administrative services of the City, as it relates to the review, preparation and/or submission of documents to the Municipal Council for appropriate action on the requested assignment. The fee shall be non-refundable.

ARTICLE X - COMPLIANCE

Section 10.1 Operation

During the term of this Agreement, the Project shall be maintained and operated in accordance with the provisions of the Law. Operation of Project under this Agreement shall not only be terminable as provided by N.J.S.A. 40A:20-1, et seq., as amended and supplemented, but

also by a Default under this Agreement. The Entity's failure to comply with the Law shall constitute a Default under this Agreement and the City shall, among its other remedies, have the right to terminate the tax exemption.

Section 10.2 Disclosure of Lobbyist Representative

During the term of this Agreement, the Entity must comply with Executive Order 2002-005, and Ordinance 02-075, requiring Written Disclosure of Lobbyist Representative Status. The Entity's failure to comply with the Executive Order or the Ordinance shall constitute a Default under this Agreement and the City shall, among its other remedies, have the right to terminate the tax exemption.

ARTICLE XI - DEFAULT

Section 11.1 Default

Default shall be failure of the Entity to conform with the terms of this Agreement or failure of the Entity to perform any obligation imposed by the Law, beyond any applicable notice, cure or grace period.

Section 11.2 Cure Upon Default

Should the Entity be in Default, the City shall send written notice to the Entity of the Default [Default Notice]. The Default Notice shall set forth with particularity the basis of the alleged Default. The Entity shall have sixty (60) days, from receipt of the Default Notice, to cure any Default which shall be the sole and exclusive remedy available to the Entity. However, if, in the reasonable opinion of the City, the Default cannot be cured within sixty (60) days using reasonable diligence, the City will extend the time to cure.

Subsequent to such sixty (60) days, or any approved extension, the City shall have the right to terminate this Agreement in accordance with Section 12.1.

Should the Entity be in default due to a failure to pay any charges defined as Material Conditions in Section 4.7, the Entity shall not be subject to the default procedural remedies as provided herein but shall allow the City to proceed immediately to terminate the Agreement as provided in Article XII herein.

Section 11.3 Remedies Upon Default

The City shall, among its other remedies, have the right to proceed against the property

pursuant to the In Rem Tax Foreclosure Act, N.J.S.A. 54:5-1, et seq. In order to secure the full and timely payment of the Annual Service Charge, the City on its own behalf, reserves the right to prosecute an In Rem Tax Foreclosure action against the Project Area in accordance with Applicable Law, as more fully set forth in this Financial Agreement.

In addition, the City may declare a Default and terminate this Agreement. Any default arising out of the Entity's failure to pay Land Taxes, the Minimum Annual Service Charge, Administrative Fees, Affordable Housing Contribution, or the Annual Service Charges shall not be subject to the default procedural remedies as provided in Article XI herein, but shall allow the City to proceed immediately to terminate the Agreement as provided in Article XII. All of the remedies provided in this Agreement to the City, and all rights and remedies granted to it by law and equity shall be cumulative and concurrent. No termination of any provision of this Agreement shall deprive the City of any of its remedies or actions against the Entity because of its failure to pay Land Taxes, the Minimum Annual Service Charge, Annual Service Charge, Affordable Housing Contribution or Administrative Fees. This right shall apply to arrearages that are due and owing at the time or which, under the terms hereof, would in the future become due as if there had been no termination. Further, the bringing of any action for Land Taxes, the Minimum Annual Service Charge, the Annual Service Charge, Affordable Housing Contribution, Administrative Fees, or for breach of covenant or the resort to any other remedy herein provided for the recovery of Land Taxes shall not be construed as a waiver of the rights to terminate the tax exemption or proceed with a tax sale or Tax Foreclosure action or any other specified remedy.

In the event of a Default on the part of the Entity to pay any charges set forth in Article IV, the City among its other remedies, reserves the right to proceed against the Entity's land and property, in the manner provided by the In Rem Foreclosure Act, and any act supplementary or amendatory thereof. Whenever the word taxes appear, or is applied, directly or impliedly to mean taxes or municipal liens on land, such statutory provisions shall be read, as far as is pertinent to this Agreement, as if the charges were taxes or municipal liens on land.

ARTICLE XII- TERMINATION

Section 12.1 Termination Upon Default of the Entity

In the event the Entity fails to cure or remedy the Default within the time period provided in Section 11.2, the City may terminate this Agreement upon thirty (30) days written notice to the Entity [Notice of Termination].

Section 12.2 Voluntary Termination by the Entity

The Entity may notify the City that it will relinquish its status as a tax exempt Project, after the expiration of one year from the Substantial Completion of the Project , as of the January 1st of the year next ensuing. The Notice of Voluntary Termination must be received by the City no later than October 1st of the tax year preceding the calendar year in which the termination is to occur. As of the date so set, the tax exemption, the Annual Service Charges and the profit and dividend restrictions shall terminate. However, under no circumstances will the Entity be entitled to any refund, in whole or in part, of any funds paid to the City to obtain the tax exemption, including but not limited to the Affordable Housing Contribution.

Section 12.3 Final Accounting

Within ninety (90) days after the date of termination, whether by affirmative action of the Entity or by virtue of the provisions of the Law or pursuant to the terms of this Agreement, the Entity shall provide a final accounting and pay to the City the reserve, if any, pursuant to the provisions of N.J.S.A. 40A:20-13 and 15 as well as any remaining excess Net Profits. For purposes of rendering a final accounting the termination of the Agreement shall be deemed to be the end of the fiscal year for the Entity.

Section 12.4 Conventional Taxes

Upon Termination or expiration of this Agreement, the tax exemption for the Project shall expire and the land and the Improvements thereon shall thereafter be assessed and conventionally taxed according to the general law applicable to other nonexempt taxable property in the City.

ARTICLE XIII - DISPUTE RESOLUTION

Section 13.1 Arbitration

In the event of a breach of the within Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein,

either party may apply to the Superior Court of New Jersey by an appropriate proceeding, to settle and resolve the dispute in such fashion as will tend to accomplish the purposes of the Law. In the event the Superior Court shall not entertain jurisdiction, then the parties shall submit the dispute to the American Arbitration Association in New Jersey to be determined in accordance with its rules and regulations in such a fashion to accomplish the purpose of the Long Term Tax Exemption Law. The cost for the arbitration shall be borne by the Entity in the event the City prevails. The parties agree that the Entity may not file an action in Superior Court or with the Arbitration Association unless the Entity has first paid in full all charges defined in Section 4.8 as Material Conditions.

Section 13.2 Appeal of Assessment

In calculating the amount of "staged" tax adjustments that is, taxes otherwise due, pursuant to Section 4.2 and N.J.S.A. 40A:20-12, either party may file an appeal of the conventional assessment to determine the value of land and improvements.

ARTICLE XIV - WAIVER

Section 14.1 Waiver

Nothing contained in this Financial Agreement or otherwise shall constitute a waiver or relinquishment by the City of any rights and remedies, including, without limitation, the right to terminate the Agreement and tax exemption for violation of any of the conditions provided herein. Nothing herein shall be deemed to limit the City's right to audit or recover any amount which the City has under law, in equity, or under any provision of this Agreement.

ARTICLE XV - INDEMNIFICATION

Section 15.1 Defined

It is understood and agreed that in the event the City shall be named as party defendant in any action by a third party alleging any breach, default or a violation of any of the provisions of this Agreement and/or the provisions of N.J.S.A. 40A:20-1 et seq., the Entity shall indemnify and hold the City harmless against any and all liability, loss, cost, expense (including reasonable attorneys' fees and costs, through trial and all stages of any appeal, including the cost of enforcing this indemnity) arising out of Agreement. In addition, the Entity expressly waives all statutory or common law defenses or legal principles which would defeat the purposes of this

indemnification. The Entity also agrees to defend the suit at its own expense. However, the City maintains the right to intervene as a party thereto, to which intervention the Entity consents; the expense thereof to be borne by the City.

ARTICLE XVI- NOTICE

Section 16.1 Certified Mail

Any notice required hereunder to be sent by either party to the other shall be sent by certified or registered mail, return receipt requested.

Section 16.2 Sent by City

When sent by the City to the Entity the notice shall be addressed to:

272 Grove Street Urban Renewal, LLC
c/o Silverman Building, LLC
279 Grove Street
Jersey City, NJ 07302
Attn: Eric Silverman

With a copy to:

DeCoitiis, Fitzpatrick and Cole LLP
500 Frank W Burr Blvd
Suite 31
Teaneck, NJ 07666
Attn: Matthew C Karrenberg, Esq

unless prior to giving of notice the Entity shall have notified the City in writing otherwise.

In addition, provided the City is sent a formal written notice in accordance with this Agreement, of the name and address of Entity's Mortgagee, the City agrees to provide such Mortgagee with a copy of any notice required to be sent to the Entity.

Section 16.3 Sent by Entity

When sent by the Entity to the City, it shall be addressed to:

City of Jersey City, Office of the City Clerk
City Hall
280 Grove Street
Jersey City, New Jersey 07302,

with copies sent to the Corporation Counsel, the Business Administrator, and the Tax Collector

unless prior to the giving of notice, the City shall have notified the Entity otherwise. The notice to the City shall identify the Project to which it relates, (i.e., the Urban Renewal Entity and the Property's Block and Lot number).

ARTICLE XVII-SEVERABILITY

Section 17.1 Severability

If any term, covenant or condition of this Agreement or the Application, except a Material Condition, shall be judicially declared to be invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

If a Material Condition shall be judicially declared to be invalid or unenforceable and provided the Entity is not in Default of this Agreement, the parties shall cooperate with each other to take the actions reasonably required to restore the Agreement in a manner contemplated by the parties and the Law. This shall include, but not be limited to the authorization and re-execution of this Agreement in a form reasonably drafted to effectuate the original intent of the parties and the Law. However, the City shall not be required to restore the Agreement if it would modify a Material Condition, the amount of the periodic adjustments or any other term of this Agreement which would result in any economic reduction or loss to the City.

ARTICLE XVIII - MISCELLANEOUS

Section 18.1 Construction

This Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey, and without regard to or aid of any presumption or other rule requiring construction against the party drawing or causing this Agreement to be drawn since counsel for both the Entity and the City have combined in their review and approval of same.

Section 18.2 Conflicts

The parties agree that in the event of a conflict between the Application and the language contained in the Agreement, the Agreement shall govern and prevail. In the event of conflict between the Agreement and the Law, the Law shall govern and prevail.

Section 18.3 Oral Representations

There have been no oral representations made by either of the parties hereto which are not contained in this Agreement. This Agreement, the Ordinance authorizing the Agreement, and the Application constitute the entire Agreement between the parties and there shall be no modifications thereto other than by a written instrument approved and executed by both parties and delivered to each party.

Section 18.4 Entire Document

This Agreement and all conditions in the Ordinance of the Municipal Council approving this Agreement are incorporated in this Agreement and made a part hereof.

Section 18.5 Good Faith

In their dealings with each other, utmost good faith is required from the Entity and the City.

ARTICLE XIX - EXHIBITS

Section 19 Exhibits

The following Exhibits are attached hereto and incorporated herein as if set forth at length herein:

1. Metes and Bounds description of the Project;
2. Ordinance of the City authorizing the execution of this Agreement;
3. The Original Application with Exhibits and Application to Amend;
4. Certificate of the Entity;
5. Estimated Construction Schedule;
6. The Financial Plan for the undertaking of the Project;
7. Good Faith Estimate of Initial Rents;
8. Project Employment and Contracting Agreement;
9. Architect's Certification of Actual Construction Costs.
10. Entity's Deed(s)

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

WITNESS:

272 GROVE STREET URBAN RENEWAL, LLC

ATTEST:

CITY OF JERSEY CITY

**ROBERT BYRNE
CITY CLERK**

**ROBERT KAKOLESKI
ACTING BUSINESS ADMINISTRATOR**

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.142
TITLE: 3.L NOV 26 2013 4.1

Ordinance authorizing an amended and restated financial agreement for 272 Grove Street Urban Renewal, LLC, which was approved by Ordinance 07-052, converting from a condominium project to a market rate residential rental project.

RECORD OF COUNCIL VOTE ON INTRODUCTION NOV 26 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 26 2013
Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President
Date _____

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor
Date _____

Date to Mayor _____